

ISLAM'S SOLUTION TO...

ABORTION

CONTRACEPTION

ORGAN TRANSPLANTS

TEST TUBE BABIES

GESTATION

SURROGACY

PROSTHETIC SURGERY

CONTENTS

PAGE NUMBERS

1. FORWARD	2 - 3
2. ORGAN TRANSPLANTS	4 - 10
3. MILK BANKS	11 - 15
4. GENETIC COUNCILLING	15 - 17
5. CONTRACEPTION	18 - 23
6. ABORTION WESTERN SAVAGERY	24 - 27
7. INFERTILITY	27 - 28
8. CONTROL OF MENSURATION	28
9. ANIMAL EXPERIMENTATIONS	29 - 31
10. DRUGS DERIVED FROM ANIMAL SOURCES	31 - 32
11. POST MORTEMES	32 - 33
12. PROMISCUITY	33 - 34
13. PROSTHETIC SURGERY	34 - 35
14. JINNS	35 - 37
15. FAITH HEALING	37
16. NEWS FLASH	

FOREWARD

BISMILLAH - HIR - RA - MANIRAHIM

Alhamdulillah, all praises are due to that Being who has given us Life. A Life, which we have to develop and not simply pass. The reason why man has been ordered to develop his Life, is because he has been given status and rank over the other creation. Thus in line to this Allah Ta'ala states in the Quraan:

" Verily we have given rank to the children of Adam "

The only way for man to develop his Life is through Ilme Deen i.e. studying the requirements of his Creator. Thus this Kitaab is a minor contribution towards helping man gain the knowledge of Deen, thus helping him to develop his Life in accordance to the requirements of his Creator.

Allah Ta'ala clearly and explicitly mentions in the Quraan:

1. And surely I will lead men astray, and surely I will arise desires in them and surely I will command them and they will cut the cattles ears, and surely I will command them and they will change Allah's creation, who so chooseth Shaytaan for a patron instead of Allah is verily a loser and his loss is manifest. (surah Nisaah; Ayat 119)
2. And there is not a beast in the earth but the sustenance thereof dependeth on Allah. He knoweth its habitation and its resposity. All is in a clear record. (Surah Hood, Ayat 6)
3. So set they purpose (O Muhammed) for religion as a man by nature upright-the nature (Framed) by Allah, in which he has created man. That is the right, but most men know not. (surah Room; Ayat 30)
4. Slay not your children, Fearing a fall to poverty, We shall provide for them and for you. The slaying of them is a great sin. (Surah Isra)

The subject matter which appears in the following pages were questions posed by the ISLAMIC MEDICAL COUNCIL. The answers to the questions were prepared by the Majlisul Ulema of South Africa. This book which has been published fulfills a long felt need for a book on Abortion,contraception, surrogacy, organ transplants, tes-tube babies in the view of the Islamic law and Shariah. the material has been compiled from authentic sources.

The Majlisul Ulama of South Africa has done a great service for the promotion of ISLAMIC EDUCATION. May Allah Ta'ala accept this work and make it beneficial for the ummah.

This kitaab is a must for every muslim home, not merely to possess it or read it, but to study it thoroughly.

May Allah Ta'ala grant us the tawfeeq and hidaayah to follow the sunnah of his Beloved Nabi, Muhammedur Rasullullah. (Sallallahu-alaihi-wasallam)

Compiled and published by:

RAFIQUE VALLI

Student Darul-Uloom Azaadville

1 January 1993

Telephone: (011) 852-2374

(011) 854-3092

ORGAN TRANSPLANTS

One of the advancements that medical science is making is in the field of organ transplants. This involves removing either whole organs or parts of organs and tissues from either animals or other humans and transplanting them into the patient.

In the case of animals, heart valves have been removed from calves and pigs, and liver from pigs.

In the case of humans, living persons can donate organs such as skin, one kidney and blood without harming themselves. Organs such as cornea, skin, heart, kidneys, bone and heart valves can be removed from dead humans.

The purpose of organ transplantation may be either to save a life or to improve the quality of life, e.g. heal difficult bone tissues, allow one to see, feel better or be able to eat and drink better as with renal transplant.

Question 1

Can animal organs or parts of organs be used in humans to save a life or to improve the quality of life, even if the animal is a pig, e.g. pig-skin, pig-liver and pig-valve?

Answer

It is permissible according to the Shariah to transplant animal organs into humans to save a life or to improve the quality of life. This permissibility is based on the following conditions:

- (a) The organs must be only those of halaal animals, i.e. such animals the consumption of which is halaal for Muslims, e.g. sheep, goats, cows, etc.
- (b) The halaal animals from which the organs are acquired must be Islamically slaughtered, i.e. thabah must be effected.

In view of these conditions, the following types of organs will not be permissible for transplanting into humans:

- (i) Pig organs.
- (ii) Organs of animals which are not halaal for Muslim consumption.

(iii) Organs of halaal animals (sheep, goats, oxen) which have either died a natural death or were not slaughtered Islamically.

On the basis of the Qur'aan and Hadith, the Fuqaha (Jurists) of the Ummah have formulated the rulings of the Shariah on this issue. The following are some of these rulings.

* "...Pig bones: Medical treatment with it is forbidden because the pig is najasu l'ain. Thus, its bones are impure like its flesh. It is not permissible to derive benefit from the pig in any way."

(Sharhus Siyaril Kabeer)

* "The pig and all its parts are najaasatul ghaleezah. This is a fact which is absolute in the Shariah."

(Kabeeri)

It is thus clear that pig skin, pig valves, pig liver and all parts of the pig are impure and haraam for use of any kind.

Question 2

Can a Muslim consent for removal of parts of his body while still alive for transplantation to the benefit of his child, sibling or parent?

Answer

Allah Ta'ala has commanded that the human body be honoured and respected. The way of respecting the human body has also been shown to us by the Shariah. Even after death, the human body has to be compulsorily respected. All rules and acts of the Shariah applicable to dead human bodies reflect abundantly the Islamic decree to honour and respect the human body. Secondly, man is not the owner of his body. The human body is an amaanat (trust) and has necessarily to be employed in a way sanctioned by Allah Ta'ala. Utilization of the human body in any way which conflicts with the commands of Allah Ta'ala will be unlawful even if such use is based on noble and altruistic motives.

Among the ways of utilizing the human body in conflict with Allah's Laws is cutting, mutilating and making use of the body or any of its parts. According to the Shariah man has no right to use any part of his body, be it even nails and hair because he is not its owner and the body loaned to him is an object of respect. In almost every book of the Shariah it is clearly stated:

ORGAN TRANSPLANTS

One of the advancements that medical science is making is in the field of organ transplants. This involves removing either whole organs or parts of organs and tissues from either animals or other humans and transplanting them into the patient.

In the case of animals, heart valves have been removed from calves and pigs, and liver from pigs.

In the case of humans, living persons can donate organs such as skin, one kidney and blood without harming themselves. Organs such as cornea, skin, heart, kidneys, bone and heart valves can be removed from dead humans.

The purpose of organ transplantation may be either to save a life or to improve the quality of life, e.g. heal difficult bone tissues, allow one to see, feel better or be able to eat and drink better as with renal transplant.

Question 1

Can animal organs or parts of organs be used in humans to save a life or to improve the quality of life, even if the animal is a pig, e.g. pig-skin, pig-liver and pig-valve?

Answer

It is permissible according to the Shariah to transplant animal organs into humans to save a life or to improve the quality of life. This permissibility is based on the following conditions:

(a) The organs must be only those of halaal animals, i.e. such animals the consumption of which is halaal for Muslims, e.g. sheep, goats, cows, etc.

(b) The halaal animals from which the organs are acquired must be Islamically slaughtered, i.e. thabah must be effected.

In view of these conditions, the following types of organs will not be permissible for transplanting into humans:

(i) Pig organs.

(ii) Organs of animals which are not halaal for Muslim consumption.

(iii) Organs of halaal animals (sheep, goats, oxen) which have either died a natural death or were not slaughtered Islamically.

On the basis of the Qur'aan and Hadith, the Fuqaha (Jurists) of the Ummah have formulated the rulings of the Shariah on this issue. The following are some of these rulings.

* "...Pig bones: Medical treatment with it is forbidden because the pig is najasu l ain. Thus, its bones are impure like its flesh. It is not permissible to derive benefit from the pig in any way."

(Sharhus Siyaril Kabeer)

* "The pig and all its parts are najaasatul ghaleezah. This is a fact which is absolute in the Shariah."

(Kabeeri)

It is thus clear that pig skin, pig valves, pig liver and all parts of the pig are impure and haraam for use of any kind.

Question 2

Can a Muslim consent for removal of parts of his body while still alive for transplantation to the benefit of his child, sibling or parent?

Answer

Allah Ta'ala has commanded that the human body be honoured and respected. The way of respecting the human body has also been shown to us by the Shariah. Even after death, the human body has to be compulsorily respected. All rules and acts of the Shariah applicable to dead human bodies reflect abundantly the Islamic decree to honour and respect the human body. Secondly, man is not the owner of his body. The human body is an amaanat (trust) and has necessarily to be employed in a way sanctioned by Allah Ta'ala. Utilization of the human body in any way which conflicts with the commands of Allah Ta'ala will be unlawful even if such use is based on noble and altruistic motives.

Among the ways of utilizing the human body in conflict with Allah's Laws is cutting, mutilating and making use of the body or any of its parts. According to the Shariah man has no right to use any part of his body, be it even nails and hair because he is not its owner and the body loaned to him is an object of respect. In almost every book of the Shariah it is clearly stated:

"Deriving benefit from man's organs is not permissible."
(Alamghiri)

This prohibition is emphasised so much that it is not permissible for man to use even any part of his own body to save his own life. A man who is starving is allowed to save his life by consuming even pork or drinking liquor to the extent necessary to save his life. But, in the same condition of hunger and starvation threatening to take his life, the Shariah does not allow him to cut any part of his body, eat it and save his life. In the same way it is haraam for another person to offer part of his body to save the dying man. The following references will indicate this fact conclusively.

* "A person due to hunger is on the verge of death and he is unable to find even a dead animal (to eat so as to save his life). A man then says to him: 'Cut my hand and eat it.' Or he says: 'Cut a piece from me and eat it.' It is not permissible for him to do any of this nor is it permissible for one to tell anyone to do so. In the same way it is not permissible for the starving man to cut a piece of his body and eat it."

(Fatawa Qadhi Khan, Alamghiri, Khulasatul Fatawa)

* "Surgery with bones is permissible unless it be the bones of human beings or pigs, for then it is forbidden to resort to treatment with it.....The human being is sacred even after his death in the same way as he was while he was alive. Thus, just as it is not lawful to use any part of the human being for treatment while he is alive, so too is it not lawful to use any of his parts when he is dead. The reason being for this is to respect and honour him. Similarly, it is not permissible to practise surgery with the bones of the dead. Rasulullah (sallallahu alayhi wasallam) said: "Breaking the bones of a dead person is like breaking the bones of a living person."

(Sharhus Siyaril Kabeer)

* It is not permissible to sell the hairs of a human being nor is it lawful to derive any benefit therefrom because man is sacred. Thus, it is not lawful to violate the sanctity of any of his parts by making use thereof."

(Hidaayah)

* "Ibn Humaam said: 'There is unanimity that the san-

ctity of a dead Muslim is the same as the sanctity of a living Muslim.."

(Inaayah)

From the foregoing narrations as well as numerous others in many books of the Shariah it is abundantly clear that organs, bones and parts of human beings, be they dead or alive, Muslim or kaafir, cannot be used for any purpose whatever even if it is to save a life.

"The human being is sacred, be he Muslim or kaafir."

(Shaami)

"The human being is sacred whether dead or alive."

(Sharhus Siyaril Kabeer)

Thus, it is haraam for a Muslim to consent to the removal of organs or parts of his body while still alive irrespective of the purpose. The nobility of the purpose is no cause for legalizing the utilization of any part of the human body.

Question 3

Can a Muslim give consent for removal of parts of his body for transplantation after his death to whomsoever it may benefit?

Answer

The same arguments and answer applicable to question 2 hold good for this question as well. It is not lawful for a Muslim to give consent for the removal of any part/s from his body for transplantation after his death, no matter for whose and for what benefit.

Question 4

Can Muslims donate their bodies, after death, for use as a dissection model so that others can learn anatomy and thus be a benefit to humanity?

Answer

It is not lawful for Muslim to donate their bodies for any purpose after their death. It is haraam to use the human body as a dissecting model irrespective of the benefit. The human body being sacred, cannot be made the object of such experimentation. When it is haraam to use even a part of the human body to even save a life then to a much greater degree will the prohibition apply to the

"Deriving benefit from man's organs is not permissible."
(Alamghiri)

This prohibition is emphasised so much that it is not permissible for man to use even any part of his own body to save his own life. A man who is starving is allowed to save his life by consuming even pork or drinking liquor to the extent necessary to save his life. But, in the same condition of hunger and starvation threatening to take his life, the Shariah does not allow him to cut any part of his body, eat it and save his life. In the same way it is haraam for another person to offer part of his body to save the dying man. The following references will indicate this fact conclusively.

* "A person due to hunger is on the verge of death and he is unable to find even a dead animal (to eat so as to save his life). A man then says to him: 'Cut my hand and eat it.' Or he says: 'Cut a piece from me and eat it.' It is not permissible for him to do any of this nor is it permissible for one to tell anyone to do so. In the same way it is not permissible for the starving man to cut a piece of his body and eat it."

(Fatawa Qadhi Khaan, Alamghiri, Khulasatul Fatawa)

* "Surgery with bones is permissible unless it be the bones of human beings or pigs, for then it is forbidden to resort to treatment with it.....The human being is sacred even after his death in the same way as he was while he was alive. Thus, just as it is not lawful to use any part of the human being for treatment while he is alive, so too is it not lawful to use any of his parts when he is dead. The reason being for this is to respect and honour him. Similarly, it is not permissible to practise surgery with the bones of the dead. Rasulullah (sallallahu alayhi wasallam) said: "Breaking the bones of a dead person is like breaking the bones of a living person."

(Sharhus Siyaril Kabeer)

* It is not permissible to sell the hairs of a human being nor is it lawful to derive any benefit therefrom because man is sacred. Thus, it is not lawful to violate the sanctity of any of his parts by making use thereof."

(Hidaayah)

* "Ibn Humaam said: 'There is unanimity that the san-

ctity of a dead Muslim is the same as the sanctity of a living Muslim.."

(Inaayah)

From the foregoing narrations as well as numerous others in many books of the Shariah it is abundantly clear that organs, bones and parts of human beings, be they dead or alive, Muslim or kaafir, cannot be used for any purpose whatever even if it is to save a life.

"The human being is sacred, be he Muslim or kaafir."

(Shaami)

"The human being is sacred whether dead or alive."

(Sharhus Siyaril Kabeer)

Thus, it is haraam for a Muslim to consent to the removal of organs or parts of his body while still alive irrespective of the purpose. The nobility of the purpose is no cause for legalizing the utilization of any part of the human body.

Question 3

Can a Muslim give consent for removal of parts of his body for transplantation after his death to whomsoever it may benefit?

Answer

The same arguments and answer applicable to question 2 hold good for this question as well. It is not lawful for a Muslim to give consent for the removal of any part/s from his body for transplantation after his death, no matter for whose and for what benefit.

Question 4

Can Muslims donate their bodies, after death, for use as a dissection model so that others can learn anatomy and thus be a benefit to humanity?

Answer

It is not lawful for Muslim to donate their bodies for any purpose after their death. It is haraam to use the human body as a dissecting model irrespective of the benefit. The human body being sacred, cannot be made the object of such experimentation. When it is haraam to use even a part of the human body to even save a life then to a much greater degree will the prohibition apply to the

whole body which is of greater sanctity than an amputated part.

Question 5

When is a person pronounced dead? This is important in Medicine because in the case of organs such as the heart and the kidney, they can be only useful if removed while they are receiving adequate blood perfusion. For this reason the concept of 'Brain Death' has been evolved whereby the doctor can judge that the patient has received such a severe injury to vital parts of his brain that if the machine which is keeping him 'alive' is switched off, the patient will definitely die. The organs are removed from such a person while he is being kept 'alive' or 'perfused' on the machine and only then is the machine turned off. What is the Islamic viewpoint of this concept and its application?

Answer

Death according to Islam is what all mankind has understood it to be since the very inception of man on earth. There is no need for any new theory to guide Muslims regarding the event of maut (death). Death is not a new occurrence and for understanding it, there is no need for any academic definition. In so far as the Shariah is concerned, death is the end of man's life on earth. This end arrives when his rooh (soul) permanently leaves his physical body. When all physical functions in a man's body cease operation, death has arrived. The man will then be regarded as dead. Cessation of his physical functions is the consequence of the severance of the Rooh's ties with its body. The Rooh is the activator of the physical body. Without the Rooh, the body is lifeless.

The slightest sign of physical activity in the body denotes life, or the presence of the Rooh. It will not matter if his breathing is artificially sustained. He will be regarded as being alive according to the Shariah as long as he breathes or as long as any other physical activity remains in his body. Therefore, the 'Brain Death' concept is not valid according to the Shariah. Even if vital parts of his brain are irreparably damaged, he will be alive according to the Shariah as long as he breathes even if such breathing is with the aid of a machine. The fact that he is able of being 'perfused' by a machine is a clear indication of the existence of the Rooh in his body. A dead man cannot be 'perfused' or kept alive by any means.

According to the Qur'aan Shareef death comes by the Command of Allah Ta'ala at its appointed time. Death cannot be advanced nor delayed by a second. This is the absolute teaching of the Qur'aan. Any contrary belief is kufr. Therefore, the means of sustaining a man's breathing, i.e. by way of a machine, are also matters decreed by Divine Dispensation. The switching on and off of the life-sustaining machine will be determined by Divine Command which operates in ways unknown to us. Such matters and affairs belong to the Taqweeni realm (the metaphysical realm) and cannot be logically explained. It is a matter of pure Imaan in which the Muslim has no alternative but to accept and believe. Suffice to say that life cannot be prolonged by any means beyond its divinely stipulated term.

The Shariah explains the arrival of Maut by the appearance of certain physical signs. These are as follows:

"The signs of death are:

- *The legs become slack, unable to remain erect.
- *The nose tilts.
- *The temples sag."

(Kabeeri, Shaami, Fathul Bari, etc.)

When these signs appear, the arrival of Maut is certain since the Shariah commands us then to commence with the activities relevant to a dying person.

In relation to the question of organ removal, death is irrelevant since it is haraam to remove organs from the human body, dead or alive.

Thus, in Islam, the 'Brain Death' concept has no validity. Removing organs such as the heart from a person 'perfused' on a machine is tantamount to premeditated murder.

Question 6

Can organs from non-Muslims be used in Muslims?

Answer

In relation to organs and bodily parts, the ruling of the Shariah is exactly the same. It is not permissible to use non-Muslim organs in Muslims nor is it permissible to use Muslim organs for non-Muslims or even for Muslims. In all cases human organ transplantation is haraam.

whole body which is of greater sanctity than an amputated part.

Question 5

When is a person pronounced dead? This is important in Medicine because in the case of organs such as the heart and the kidney, they can be only useful if removed while they are receiving adequate blood perfusion. For this reason the concept of 'Brain Death' has been evolved whereby the doctor can judge that the patient has received such a severe injury to vital parts of his brain that if the machine which is keeping him 'alive' is switched off, the patient will definitely die. The organs are removed from such a person while he is being kept 'alive' or 'perfused' on the machine and only then is the machine turned off. What is the Islamic viewpoint of this concept and its application?

Answer

Death according to Islam is what all mankind has understood it to be since the very inception of man on earth. There is no need for any new theory to guide Muslims regarding the event of maut (death). Death is not a new occurrence and for understanding it, there is no need for any academic definition. In so far as the Shariah is concerned, death is the end of man's life on earth. This end arrives when his rooh (soul) permanently leaves his physical body. When all physical functions in a man's body cease operation, death has arrived. The man will then be regarded as dead. Cessation of his physical functions is the consequence of the severance of the Rooh's ties with its body. The Rooh is the activator of the physical body. Without the Rooh, the body is lifeless.

The slightest sign of physical activity in the body denotes life, or the presence of the Rooh. It will not matter if his breathing is artificially sustained. He will be regarded as being alive according to the Shariah as long as he breathes or as long as any other physical activity remains in his body. Therefore, the 'Brain Death' concept is not valid according to the Shariah. Even if vital parts of his brain are irreparably damaged, he will be alive according to the Shariah as long as he breathes even if such breathing is with the aid of a machine. The fact that he is able of being 'perfused' by a machine is a clear indication of the existence of the Rooh in his body. A dead man cannot be 'perfused' or kept alive by any means.

According to the Qur'aan Shareef death comes by the Command of Allah Ta'ala at its appointed time. Death cannot be advanced nor delayed by a second. This is the absolute teaching of the Qur'aan. Any contrary belief is kufr. Therefore, the means of sustaining a man's breathing, i.e. by way of a machine, are also matters decreed by Divine Dispensation. The switching on and off of the life-sustaining machine will be determined by Divine Command which operates in ways unknown to us. Such matters and affairs belong to the Taqweeni realm (the metaphysical realm) and cannot be logically explained. It is a matter of pure Imaan in which the Muslim has no alternative but to accept and believe. Suffice to say that life cannot be prolonged by any means beyond its divinely stipulated term.

The Shariah explains the arrival of Maut by the appearance of certain physical signs. These are as follows:

"The signs of death are:

- *The legs become slack, unable to remain erect.
- *The nose tilts.
- *The temples sag."

(Kabeeri, Shaami, Fathul Bari, etc.)

When these signs appear, the arrival of Maut is certain since the Shariah commands us then to commence with the activities relevant to a dying person.

In relation to the question of organ removal, death is irrelevant since it is haraam to remove organs from the human body, dead or alive.

Thus, in Islam, the 'Brain Death' concept has no validity. Removing organs such as the heart from a person 'perfused' on a machine is tantamount to premeditated murder.

Question 6

Can organs from non-Muslims be used in Muslims?

Answer

In relation to organs and bodily parts, the ruling of the Shariah is exactly the same. It is not permissible to use non-Muslim organs in Muslims nor is it permissible to use Muslim organs for non-Muslims or even for Muslims. In all cases human organ transplantation is haraam.

"The human being is sacred, be he Muslim or kaafir."
(Shaami)

"The human being is sacred according to the Shariah even if he is a kaafir. Therefore, transacting anything in regard to his body, making use of his body and treating it like inanimate objects are acts of disgrace to him."
(Shaami)

Question 7

Can blood from non-Muslims be transfused into Muslims?

Answer

The Islamic ruling regarding blood transfusion differs from the ruling on organ transplantation. It is not permissible to use blood for medical treatment under normal circumstances, i.e. non-emergencies and when an alternative is available. However, in an emergency and to save a life it is permissible to resort to blood transfusion. The rulings of the Shariah in this regard are as follows:

* "If the only cure is a haraam substance and it will save life, it will be permissible like the consumption of carrion and liquor on occasions of absolute necessity."
(Shaami)

* "When no permissible remedy is available, it is permissible for the indisposed to drink blood, eat carrion when a qualified medical practitioner informs that there is cure in the haraam substance."
(Fataawa Alamghiri)

Blood transfusion is thus permissible only if no alternative is available. The same ruling is applicable to non-Muslim blood. Although it is legal in the Shariah to transfuse non-Muslim blood into Muslims in cases of emergencies, it is not advised from the spiritual aspect.

The pious authorities of the Ummah did not prefer that infants be breast-fed by immoral women even if they are Muslim, for the milk of such women is bound to have an evil affect on the spirituality of the child. The same argument applies to transfusion of the blood of a non-Muslim or even of an immoral Muslim into a pious Muslim. Thus, from this angle of piety and spirituality it is not at all adviseable to transfuse non-Muslim blood into a Muslim.

MILK BANKS

Medical Science has at last recognized that mother's milk is the best. Therefore to replace artificial milk for babies who cannot get milk from their mothers, it has now become fashionable to collect milk from different mothers who have excess milk and then use this milk to feed babies. The milk may be kept separate or it may be mixed and pooled.

Question 1

Remembering that our Nabi (sallallahu alayhi wasallam) himself was suckled by a professional wet nurse (Daai Halima), who had also suckled many others, what is the Islamic viewpoint regarding the use of other mothers' milk for feeding infants who for various reasons cannot get milk from their own mothers?

Answer

Suckling the infants of others is permissible. However, the greatest care has to be practised. This practice cannot be resorted to indiscriminately. Of vital importance is to bear in mind that this practice creates milk ties which brings about prohibition of marriage between those connected by such ties. Thus the authoritative book of Islamic Law, Fathul Qadeer states in this regard:

"It is obligatory on women to refrain from suckling every infant without valid reason (i.e. a reason considered valid in the Shariah). When she does suckle an infant, it is incumbent on her to remember this (i.e. the infants whom she had suckled); to publicize this : and it is best that she reduces this to writing."

In other words, feeding babies on human milk (i.e. the milk of women other than their own mothers) should not be resorted to on a mass scale. Even when practised on a minimal scale, the wet-nurse should keep records and publicize the names of the infants whom she had suckled to prevent 'Milk relatives' marrying one another.

"Every two infants suckled by the same woman--it is not permissible for the one to marry the other."

(Fathul Qadeer)

"The human being is sacred, be he Muslim or kaafir."
(Shaami)

"The human being is sacred according to the Shariah even if he is a kaafir. Therefore, transacting anything in regard to his body, making use of his body and treating it like inanimate objects are acts of disgrace to him."
(Shaami)

Question 7

Can blood from non-Muslims be transfused into Muslims?

Answer

The Islamic ruling regarding blood transfusion differs from the ruling on organ transplantation. It is not permissible to use blood for medical treatment under normal circumstances, i.e. non-emergencies and when an alternative is available. However, in an emergency and to save a life it is permissible to resort to blood transfusion. The rulings of the Shariah in this regard are as follows:

* "If the only cure is a haraam substance and it will save life, it will be permissible like the consumption of carrion and liquor on occasions of absolute necessity."

(Shaami)

* "When no permissible remedy is available, it is permissible for the indisposed to drink blood, eat carrion when a qualified medical practitioner informs that there is cure in the haraam substance."

(Fataawa Alamghiri)

Blood transfusion is thus permissible only if no alternative is available. The same ruling is applicable to non-Muslim blood. Although it is legal in the Shariah to transfuse non-Muslim blood into Muslims in cases of emergencies, it is not advised from the spiritual aspect.

The pious authorities of the Ummah did not prefer that infants be breast-fed by immoral women even if they are Muslim, for the milk of such women is bound to have an evil affect on the spirituality of the child. The same argument applies to transfusion of the blood of a non-Muslim or even of an immoral Muslim into a pious Muslim. Thus, from this angle of piety and spirituality it is not at all adviseable to transfuse non-Muslim blood into a Muslim.

MILK BANKS

Medical Science has at last recognized that mother's milk is the best. Therefore to replace artificial milk for babies who cannot get milk from their mothers, it has now become fashionable to collect milk from different mothers who have excess milk and then use this milk to feed babies. The milk may be kept separate or it may be mixed and pooled.

Question 1

Remembering that our Nabi (sallallahu alayhi wasallam) himself was suckled by a professional wet nurse (Daai Halima), who had also suckled many others, what is the Islamic viewpoint regarding the use of other mothers' milk for feeding infants who for various reasons cannot get milk from their own mothers?

Answer

Suckling the infants of others is permissible. However, the greatest care has to be practised. This practice cannot be resorted to indiscriminately. Of vital importance is to bear in mind that this practice creates milk ties which brings about prohibition of marriage between those connected by such ties. Thus the authoritative book of Islamic Law, Fathul Qadeer states in this regard:

"It is obligatory on women to refrain from suckling every infant without valid reason (i.e. a reason considered valid in the Shariah). When she does suckle an infant, it is incumbent on her to remember this (i.e. the infants whom she had suckled); to publicize this : and it is best that she reduces this to writing."

In other words, feeding babies on human milk (i.e. the milk of women other than their own mothers) should not be resorted to on a mass scale. Even when practised on a minimal scale, the wet-nurse should keep records and publicize the names of the infants whom she had suckled to prevent 'Milk relatives' marrying one another.

"Every two infants suckled by the same woman--it is not permissible for the one to marry the other."

(Fathul Qadeer)

Question 2

Are mothers' milk banks allowed? In other words, is an organized arrangement to collect and dispense mother's milk permissible?

Answer

In Fathul Qadeer as well as all other books of Fiqh, the following verdict of the Shariah is recorded:

"Tahreem (i.e. prohibited marriage category) is established by any quantity of (mother's) milk, be it little or much, when it is administered (to the infants) during the milk period (i.e. the first two years of infancy)."

Thus, a woman's milk creates a relationship similar to family ties. The relationship produced by milk is called 'Hurmatul Ridhaa'. Like blood ties produce a prohibited marriage category of persons, so too does a woman's milk which was fed to an infant during the milk period. Rasulullah (sallallahu alayhi wasallam) said:

"What is prohibited by blood is prohibited by milk."
(Bukhaari)

The Fuqaha of Islam have issued the following verdicts in this regard:

"It is not lawful for one person to marry another if both of them were suckled by the same breast during infancy."
(Fathul Qadeer)

"Imam Muhammad (Rahmatullah alayh) said that hurmat (prohibited marriage ties) is established between an infant and the two women whose milk was mixed (and administered to the baby).

(Fathul Qadeer)

This ruling is not restricted to only a case where two women are involved. This is only by way of an example. If the milk of a dozen women was mixed and administered to a baby, hurmat will be established between the infant and all twelve women including their families.

"Tahreem (i.e. prohibited marriage category) is established even if the milk which was fed to the infant was extracted from a woman after her death."

(Fathul Qadeer)

"If the milk of a woman is mixed with the milk of a goat or any other animal and the quantity of the woman's milk is more than that, Tahreem is established."
(Fathul Qadeer)

"Similarly, Tahreem is established if the milk of a woman is mixed with oil or date juice (for example) and administered to the baby."
(Fathul Qadeer)

The dangerous rulings of the Shariah establish that prohibited marriage relationships come into being between an infant and all the women whose milk he/she took, whether the milk was fed to the baby individually and separately or whether the milk of the various women was mixed and pooled. The Hurmat is not confined to only the women and the infant, but is extended to all the families of the women and the infant who consumed the pooled milk. The repercussions on society by large scale pooling of women's milk passed in milk banks are too ghastly to contemplate in the sphere of marriage. A whole nation of milk-relatives will be created and marriage will become prohibited among the members of the milk community.

Assuming that meticulous records of the names of milk contributors and milk consumers are kept by the milk bank and that the officials of the milk bank are all pious and honest people and assuming that if they are non-Muslim, they will have the greatest respect for Islam and accept the sanctity of our arkaam (values) pertaining to milk-hurmat, then too they will be faced with a formidable task of keeping the hundreds and thousands of people involved, fully informed of their milk-relationships. And, if by some gigantic effort they succeed, we shall still be faced with the insurmountable problem of national hurmat by means of which marriage will become impossible.

Assuming that a thousand women contributed their milk to the milk bank and such milk was mixed and pooled. An infant who was fed with such mixed milk will have to know the names and families of each and every woman whose milk was in the mixture. The families of the thousand women will become the milk-relatives of the infant. In addition, another thousand babies may have consumed the same pooled mixture of milk. The milk ties

Question 2

Are mothers' milk banks allowed? In other words, is an organized arrangement to collect and dispense mother's milk permissible?

Answer

In Fathul Qadeer as well as all other books of Fiqh, the following verdict of the Shariah is recorded:

"Tahreem (i.e. prohibited marriage category) is established by any quantity of (mother's) milk, be it little or much, when it is administered (to the infants) during the milk period (i.e. the first two years of infancy)."

Thus, a woman's milk creates a relationship similar to family ties. The relationship produced by milk is called 'Hurmatul Ridhaa'. Like blood ties produce a prohibited marriage category of persons, so too does a woman's milk which was fed to an infant during the milk period. Rasulullah (sallallahu alayhi wasallam) said:

"What is prohibited by blood is prohibited by milk."
(Bukhaari)

The Fuqaha of Islam have issued the following verdicts in this regard:

"It is not lawful for one person to marry another if both of them were suckled by the same breast during infancy."
(Fathul Qadeer)

"Imam Muhammad (Rahmatullah alayh) said that hurmat (prohibited marriage ties) is established between an infant and the two women whose milk was mixed (and administered to the baby).

(Fathul Qadeer)

This ruling is not restricted to only a case where two women are involved. This is only by way of an example. If the milk of a dozen women was mixed and administered to a baby, hurmat will be established between the infant and all twelve women including their families.

"Tahreem (i.e. prohibited marriage category) is established even if the milk which was fed to the infant was extracted from a woman after her death."

(Fathul Qadeer)

"If the milk (of a woman) is mixed with the milk of a goat (or any other animal) and the quantity of the woman's milk is more, then too, Tahreem is established."

(Fathul Qadeer)

"Similarly, Tahreem is established if the milk (of a woman) is mixed with oil or date juice (for example) and administered to the baby...."

(Fathul Qadeer)

The foregoing rulings of the Shariah establish that prohibited marriage relationship comes into being between an infant and all the women whose milk he/she drank, whether the milk was fed to the baby individually and separately or whether the milk of the various women was mixed and pooled. The Hurmat is not confined to only the women and the infant, but is extended to all the families of the women and the infant who consumed the pooled milk. The repercussions on society by large scale feeding of women's milk pooled in milk banks are too ghastly to contemplate in the sphere of marriage. A whole nation of milk-relatives will be created and marriage will become prohibited among the members of the milk community.

Assuming that meticulous records of the names of milk contributors and milk consumers are kept by the milk bank and that the officials of the milk bank are all pious and honest people and assuming that if they are non-Muslim, they will have the greatest respect for Islam and accept the sanctity of our ahkaam (laws) pertaining to milk-hurmat, then too they will be faced with a formidable task of keeping the hundreds and thousands of people involved, fully informed of their milk-relationships. And, if by some gigantic effort they succeed, we shall still be faced with the insurmountable problem of national hurmat by means of which marriage will become impossible.

Assuming that a thousand women contributed their milk to the milk bank and such milk was mixed and pooled. An infant who was fed with such mixed milk will have to know the names and families of each and every woman whose milk was in the mixture. The families of the thousand women will become the milk-relatives of the infant. In addition, another thousand babies may have consumed the same pooled mixture of milk. The milk ties

of the infant will thus be extended to the thousand infants who had drunk the mixture as well. Along with this the hurmat will be extended between that infant and the families of the thousand infants as well. From this illustration the wide ramifications and insurmountable problems and difficulties which will ensue from milk banks should be quite clear. The families of the entire community or nation will be drawn into the milk net bringing corruption and destruction to the system and arrangement of Nikah (Marriage). Milk banks, in fact, will bring about the elimination of Nikah. This is precisely what the illustrious Fuqaha have ruled centuries ago.

". . . . Hurmatul Musaaharah (prohibited marriage relationship) is established by drinking milk (of women). Thus, in its wide-scale distribution by selling it (or by milk banks or by any other means) is the destruction of marriages. Verily, total control is not possible. . . . The result will be corruption and disruption in Nikah among the M uslimeen."

(Fathul Qadeer)

The authoritative book of the Shariah, Al-Kifaayah, after declaring the same ruling as stated above, adds:

"And, Allah loves not disruption (fasaad)."

(Qur'aan)

In view of the difficulties and disruption outlined above, Milk Banks are not allowed by the Shariah.

Question 3

Can milk from different mothers be used to feed babies who cannot receive milk from their own mothers?

Answer

Milk from different mothers could be used to feed babies. The conditions for this permissibility are:

(1) There should be a real need for this action. The Shariah does not allow a woman to unnecessarily resort to feeding all infants with her milk.

(2) The milk must not be from an institution like a milk bank in which the milk of numerous women was pooled and there being the great danger of the various mothers and the infants not being made aware of their milk ties.

(3) Those who have been fed with milk of different women must be informed of the identities of all their milk-mothers as well as the identities of all those who had consumed the milk of all their milk-mothers.

The action described in this question must not be adopted merely because of the availability of such milk or because it has become fashionable to do so or because doctors advise that mother's milk is of greater benefit. There must be a real medical reason for the use of such mixed milk. Furthermore, the identities of the women must be known, for this information will have to be conveyed to the one who consumed the milk.

Question 4

Is there any difference as regards breast milk when it is acquired directly by suckling or when it is expressed and fed by bottle, i.e. is the act of suckling significant or the actual milk?

Answer

The act of suckling is not the determinant in the creation of Hurmat (prohibited marriage ties). The determining factor is the milk. The method of feeding is of no significance in the creation of Hurmat. It is the milk which is administered to the infant at any time during the first two years.

GENETIC COUNSELLING

The doctor today can, by doing special tests, predict in advance that a particular couple have a very high risk of getting children with some specific defect or disease such as Huntington's chorea, Mongolism, etc.

In such cases, if consulted, is a Muslim doctor allowed to counsel such couples as regards the following:

1. Not to marry?
2. Not to have children but to adopt children?
3. To permit the wife to have an abortion if she is under 16 weeks pregnant?
4. To do special tests on the wife early in pregnancy to determine if the foetus has the specific disease or defect and then advise regarding abortion accordingly? One must remember that some such tests do carry the danger to miscarriage in some cases.

of the infant will thus be extended to the thousand infants who had drunk the mixture as well. Along with this the hurmat will be extended between that infant and the families of the thousand infants as well. From this illustration the wide ramifications and insurmountable problems and difficulties which will ensue from milk banks should be quite clear. The families of the entire community or nation will be drawn into the milk net bringing corruption and destruction to the system and arrangement of Nikah (Marriage). Milk banks, in fact, will bring about the elimination of Nikah. This is precisely what the illustrious Fuqaha have ruled centuries ago.

"... Hurmatul Musaaharah (prohibited marriage relationship) is established by drinking milk (of women). Thus, in its wide-scale distribution by selling it (or by milk banks or by any other means) is the destruction of marriages. Verily, total control is not possible.... The result will be corruption and disruption in Nikah among the Muslims."

(Fathul Qadeer)

The authoritative book of the Shariah, Al-Kifaayah, after declaring the same ruling as stated above, adds:

"And, Allah loves not disruption (fasaad)."

(Qur'aan)

In view of the difficulties and disruption outlined above, Milk Banks are not allowed by the Shariah.

Question 3

Can milk from different mothers be used to feed babies who cannot receive milk from their own mothers?

Answer

Milk from different mothers could be used to feed babies. The conditions for this permissibility are:

(1) There should be a real need for this action. The Shariah does not allow a woman to unnecessarily resort to feeding all infants with her milk.

(2) The milk must not be from an institution like a milk bank in which the milk of numerous women was pooled and there being the great danger of the various mothers and the infants not being made aware of their milk ties.

(3) Those who have been fed with milk of different women must be informed of the identities of all their milk-mothers as well as the identities of all those who had consumed the milk of all their milk-mothers.

The action described in this question must not be adopted merely because of the availability of such milk or because it has become fashionable to do so or because doctors advise that mother's milk is of greater benefit. There must be a real medical reason for the use of such mixed milk. Furthermore, the identities of the women must be known, for this information will have to be conveyed to the one who consumed the milk.

Question 4

Is there any difference as regards breast milk when it is acquired directly by suckling or when it is expressed and fed by bottle, i.e. is the act of suckling significant or the actual milk?

Answer

The act of suckling is not the determinant in the creation of Hurmat (prohibited marriage ties). The determining factor is the milk. The method of feeding is of no significance in the creation of Hurmat. It is the milk which is administered to the infant at any time during the first two years.

GENETIC COUNSELLING

The doctor today can, by doing special tests, predict in advance that a particular couple have a very high risk of getting children with some specific defect or disease such as Huntington's chorea, Mongolism, etc.

In such cases, if consulted, is a Muslim doctor allowed to counsel such couples as regards the following:

1. Not to marry?
2. Not to have children but to adopt children?
3. To permit the wife to have an abortion if she is under 16 weeks pregnant?
4. To do special tests on the wife early in pregnancy to determine if the foetus has the specific disease or defect and then advise regarding abortion accordingly? One must remember that some such tests do carry the danger to miscarriage in some cases.

Answer to No.1

It is not permissible for the doctor to counsel them against marriage. According to the Shariah all diagnosis and prescriptions and treatments of the medical profession are 'maznoon', i.e. uncertain. This ruling of the Shariah is stated in the books of the Shariah as follows:

"Ilm (in this context it means certain or absolute knowledge or certainty) is not acquired from the statements of medical doctors. Quite obviously, experience and experimentation produce 'near certainty' (ghalbatuz zann) and not 'yaqeen' (absolute certainty). "

(Raddul Muhtar)

"Factors which eliminate harm consist of three kinds: Maqtoo (absolute certainty), Maznoon (not absolutely certain although near certain) and Mauhoom (imagined). . . All branches of medicine belong to the Maznoon category." (Alamghiri)

Since the Shariah relegates medicine and medical treatment to the Maznoon (uncertain) category, a man suffering from some disease or illness is permitted to refrain from medicine and treatment even if he and all the doctors unanimously opine that he will die by his abstention from medicine. In this regard Fataawa Alamghiri states:

"A man who became ill refrains from medical treatment until he dies is not guilty of any sin."--Multaqat. "

"A man who suffers from diarrhoea refrains from medical treatment and becomes so weak that he dies as a result. There is no sin on him (for having abstained from medical treatment)."

This all goes to indicate that the Shariah does not accord certainty and absolute knowledge to medicine and the opinions and prescriptions of the medical profession. The doctor should not, therefore, on the basis of his diagnosis believe absolutely that children from such couples will be born with or acquire diseases such as mentioned. Allah Ta'ala can will otherwise.

Marriage is among the noblest and sacred institutions of Islam. On the basis of something described by the Shariah as 'Maznoon', one should not counsel against this sacred institution.

Answer to No.2

It is permissible in this case to advise against having children. Adoption is highly meritorious. But, this is a matter best left to the couple. The temperament, disposition, social conditions, etc. of the couple all have to be taken into consideration. This is a matter for the inclination and decision of the couple and not of the doctor. This does not mean that it is not permissible for the doctor to advise adoption. These are personal matters.

Answer to No. 3

If the wife in this question became pregnant, it will be permissible to resort to abortion for the reasons stated in the question. But, the abortion will be permissible only before 120 days. Under no circumstances is abortion permissible after 120 days. Contraception is the lesser of the evils. It is therefore best to advise reversible contraception.

Answer to No. 4

It is permissible to conduct such tests even though there exists the danger of miscarriage although it is best that the couple be advised to go through with the pregnancy, give birth to the child and accept whatever Allah Ta'ala has bestowed to them. There is Wisdom in everything done by Allah Ta'ala. The hardships of this world are temporary. In return, the thawaab is tremendous.

CONTRACEPTION

Methods of avoiding conception:

1. Reversible
 - a. Chemical- the pill which is taken orally
spermicidal jellies used
locally.
 - b. Mechanical- use of condom
intra-uterine device
 - c. Physical- coitus interruptus
rhythm method.
2. Permanent- sterilization operation- tubal ligations-
vasectomies.

Question 1

Is the practice of contraception allowed in Islam? If so, under what circumstances?

Answer

Contraception is permissible on a limited scale for valid reasons--reasons considered by the Shariah to be valid. The circumstances which will permit reversible and permanent contraception differ.

REVERSIBLE CONTRACEPTION

Among the reasons accepted by the Shariah as valid for practising reversible contraception are:

- * Physical weakness
- * Sickness
- * The wife maintaining her beauty or figure for the sake of her husband.
- * The couple being on a journey or in a distant land.
- * Adverse political conditions, e.g. children are forcibly separated from their parents as is advocated by communism; etc.
- * The couple decide to separate in the near future.
- * The wife is an immoral person.

These are valid grounds for practising reversible contraception. Poverty or the fear of poverty are not valid reasons for contraception. It is not permissible to practise contraception on account of a fear of not being able to provide for a large family. Such a fear is an attribute of non-Muslims. According to the Qur'aan Shareef:

"There is not a living creature, but its sustenance is the responsibility of Allah."

Similarly, desire to curb sexual desire which may stem out of piety is not a lawful ground for contraception. If practised for any reason which is unlawful in Islam, then contraception will likewise be unlawful, e.g. for indulgence in illicit sex.

PERMANENT CONTRACEPTION

Permanent contraception is permissible only if the woman's life is in danger or her health is seriously threatened.

Question 2

What is its place under the following circumstances:

- (a) For reasons of economics- so that the children can have the best of everything.

Answer: It is not permissible for this reason.

- (b) Because it is fashionable to have small families.

Answer: Contraception is not permissible for this reason. The fashion to have small families is the style of modern kuffaar. It is not lawful for Muslims to emulate or follow to kuffar in their tastes and fashions. Rasulullah(sallallahu alayhi wasallam) said:

"Whoever emulates a people becomes one of them."

In addition, small families is in direct conflict with the instruction of Rasulullah (sallallahu alayhi wasallam) who said:

"Marry such women who are loving and reproduce in abundance, for I will vie with the other nations by your large numbers on the Day of Qiyaamah."

Thus, it does not behove Muslims to adopt a style, custom or fashion which is in opposition to the expressed desire of Rasulullah (sallallahu alayhi wasallam).

- (c) For professional reasons - so that the wife can pursue a career.

Answer

Contraception is not permissible for this reason. The Islamic career for a woman is her role at home--as a wife and mother. Allah Ta'ala has apportioned the affairs of life between man and woman. All affairs of the home are the duties of the woman.

(d) For social reasons, e.g. a larger family may curtail activity.

Answer

This question is ambiguous. If the meaning of 'activity' is what western man understands by 'activity' such as sport, out-door life, etc., then contraception for this reason will not be permissible. Islam exhorts large families.

(e) The wife may refuse to look after many children.

Answer: If the father feels that he may not be in position to make adequate arrangements for his children, i.e. he cannot make suitable arrangements with suitable people to care for the upbringing of the children and the woman (i.e. his wife) is of such an immoral attitude as to refuse to look after her own children, then contraception will be permissible.

(f) Having many children may spoil her figure.

Answer Contraception is permissible for this reason. However, it will not be out of place here to point out that modern means of contraception, far from preserving the beauty and figure of women, utterly destroy their beauty and figure.

(g) For spacing children - to allow the child to receive adequate attention.

Answer

Permissible for this reason.

(h) Having children may endanger the mother's physical or mental health or even her life.

Answer

Contraception is permissible for these reasons.

(i) For inherited disorders where there is a high risk of the child inheriting a disease e.g. Huntington's chorea, or mongolism. Certain inherited disorders are fatal e.g. muscular dystrophies. What should one advise such persons?

1. Should they have children who may inherit the disease?

Answer: Contraception is permissible in this case. They may be advised to resort to contraception. However, if they prefer to have children, the doctor should not discourage them.

2. Should they have amniocentesis performed early in pregnancy, and if this suggests that the disease is likely to be present, then should abortion be advised?

Answer

Of the two (contraception and abortion), contraception is the lesser of the evils. Therefore, if there is a high risk as mentioned in the question, it will be far better to advise contraception from the very beginning instead of awaiting pregnancy and then aborting. Nevertheless, if such a woman becomes pregnant, abortion will be permissible before 120 days and under no circumstances will it be permissible after 120 days.

3. Or should they take the chance that they may produce children who may be carriers of this lethal disease, or who may have this disease and regard this as a test of Imaan?

Answer: This is a matter purely for the couple to decide. The strength of their Imaan will play a great role in their decision. Should they wish to have children, the doctor should not discourage them.

(j) What should a Muslim doctor's role be in genetic counselling in these cases?

Answer

Muslim doctors as well as all Believers should remember at all times that their first allegiance is to Allah Ta'ala and not to the medical profession or any other consideration. They should endeavour to bend their reasoning and outlook to conform to the teachings and spirit of Islam and not at any time attempt to bend Islam to conform to the views and demands of modern medical science. What is beneficial and harmful should be scaled on the Standard of the Shariah. Where a demand of medical science conflicts with a demand of the Shariah, the Muslim doctor by virtue of his Imaan must necessarily and obligatorily accord priority to the demand of the Shariah. The doctor should not counsel anything which violates the teachings or the spirit of the Deen. For example: Medical science considers family planning and mass birth-control necessary and beneficial whereas Islam considers such schemes as unlawful. In such a conflict, the Muslim doctor has no alternative other than opting for the Islamic consideration.

Rasulullah (sallallahu alayhi wasallam) exhorted the Ummah to reproduce in abundance--to increase the numbers of the Ummah. Since this is the desire of Rasulullah (sallallahu alayhi wasallam), a Muslim can have

(d) For social reasons, e.g. a larger family may curtail activity.

Answer

This question is ambiguous. If the meaning of 'activity' is what western man understands by 'activity' such as sport, out-door life, etc., then contraception for this reason will not be permissible. Islam exhorts large families.

(e) The wife may refuse to look after many children.

Answer: If the father feels that he may not be in position to make adequate arrangements for his children, i.e. he cannot make suitable arrangements with suitable people to care for the upbringing of the children and the woman (i.e. his wife) is of such an immoral attitude as to refuse to look after her own children, then contraception will be permissible.

(f) Having many children may spoil her figure.

Answer Contraception is permissible for this reason. However, it will not be out of place here to point out that modern means of contraception, far from preserving the beauty and figure of women, utterly destroy their beauty and figure.

(g) For spacing children - to allow the child to receive adequate attention.

Answer

Permissible for this reason.

(h) Having children may endanger the mother's physical or mental health or even her life.

Answer

Contraception is permissible for these reasons.

(i) For inherited disorders where there is a high risk of the child inheriting a disease e.g. Huntington's chorea, or mongolism. Certain inherited disorders are fatal e.g. muscular dystrophies. What should one advise such persons?

1. Should they have children who may inherit the disease?

Answer: Contraception is permissible in this case. They may be advised to resort to contraception. However, if they prefer to have children, the doctor should not discourage them.

2. Should they have amniocentesis performed early in pregnancy, and if this suggests that the disease is likely to be present, then should abortion be advised?

Answer

Of the two (contraception and abortion), contraception is the lesser of the evils. Therefore, if there is a high risk as mentioned in the question, it will be far better to advise contraception from the very beginning instead of awaiting pregnancy and then aborting. Nevertheless, if such a woman becomes pregnant, abortion will be permissible before 120 days and under no circumstances will it be permissible after 120 days.

3. Or should they take the chance that they may produce children who may be carriers of this lethal disease, or who may have this disease and regard this as a test of Imaan?

Answer: This is a matter purely for the couple to decide. The strength of their Imaan will play a great role in their decision. Should they wish to have children, the doctor should not discourage them.

(j) What should a Muslim doctor's role be in genetic counselling in these cases?

Answer

Muslim doctors as well as all Believers should remember at all times that their first allegiance is to Allah Ta'ala and not to the medical profession or any other consideration. They should endeavour to bend their reasoning and outlook to conform to the teachings and spirit of Islam and not at any time attempt to bend Islam to conform to the views and demands of modern medical science. What is beneficial and harmful should be scaled on the Standard of the Shariah. Where a demand of medical science conflicts with a demand of the Shariah, the Muslim doctor by virtue of his Imaan must necessarily and obligatorily accord priority to the demand of the Shariah. The doctor should not counsel anything which violates the teachings or the spirit of the Deen. For example: Medical science considers family planning and mass birth-control necessary and beneficial whereas Islam considers such schemes as unlawful. In such a conflict, the Muslim doctor has no alternative other than opting for the Islamic consideration.

Rasulullah (sallallahu alayhi wasallam) exhorted the Ummah to reproduce in abundance--to increase the numbers of the Ummah. Since this is the desire of Rasulullah (sallallahu alayhi wasallam), a Muslim can have

no choice in the matter. He has no option but to toe the line and advise people against the family planning schemes of the kuffaar. In short, it devolves upon doctors to maintain contact with Ulama so that they (doctors) may refer their enquiries for Islamic appraisal. The doctor must ensure that he acts at all times in accordance with the Shariah.

Question 3

What role must a Muslim doctor play with regard to contraception and sterilization for his non-Muslim patients- especially for unmarried ones? Should we have a different standard for them?

Answer

The same standard applicable to Muslims must be set for non-Muslim patients. There are no different standards in this regard. Contraception for unmarried persons is not permissible, be they Muslim or non-Muslim.

Question 4

Should our attitude to sterilization operations be different to the other modes of contraception.

Answer

Yes, your attitude to sterilization should be different. Sterilization should be viewed in a very grave manner. It is totally in opposition to Islam. Sterilization is a means of permanent prevention of reproduction which is stringently forbidden by the Shariah. Such action is forbidden in the Qur'aan Shareef and is described as transgression. Once when Rasulullah (sallallahu alayhi wasallam) condemned sterilization and warned against it, he (sallallahu alayhi wasallam) recited in support the following Qur'aanic aayat:

"O People of Imaan! Do not make haraam the wholesome things which Allah has made halaal for you, and do not commit transgression. Verily, Allah does not love the transgressors."

(Aayat 87, Surah Maaidah)

The ahadith of Rasulullah (sallallahu alayhi wasallam) prohibit sterilization or the elimination of the ability to reproduce most stringently. Allaamah Badruddin Aini (rahmatullah alayhi) states in his Commentary of Bukhaari Shareef:

"Termination of procreation is unanimously haraam."

In view of the gravity of the crime in the Shariah, it is imperative that Muslim doctors do not treat it lightly. It is allowed only in severe cases. It should be resorted to only as a last resort.

A Muslim aware of the exhortation of Rasulullah (sallallahu alayhi wasallam) regarding procreation in abundance, can never look with favour towards any act which curtails and terminates procreation. Some statements of Rasulullah (sallallahu alayhi wasallam) will be cited so that Muslim doctors know which way to incline.

Rasulullah (sallallahu alayhi wasallam) said:

* "Marry, procreate and procreate in abundance. Verily, I will vie with you (your large numbers) over the other nations on the Day of Qiyaamah."

* "A black ugly woman is better than a beautiful woman who is barren."

* "Whoever abstains from marriage because of the fear of children, is not of us."

Sterilization as well as reversible contraception resorted to unnecessarily come within the purview of the general application of the following Qur'aanic aayat:

"(Shaitaan said to Allah) I will most certainly command them (people) to alter (interfere and transform) the creation of Allah."

(Aayat 119, Surah Nisaa)

Sterilization is thus an act whispered into the heart of man by shaitaan who has promised at the time of his expulsion from Heaven that he will mislead mankind. Among the ways of misleading, is his trick of inducing man to interfere with and alter the natural and physical capacities, forms and attributes which Allah Ta'ala has created in His creatures. Reference to this is made in the above-cited Qur'aanic aayat. Non-Muslims automatically incline towards such tricks and schemes of shaitaan, but it does not behove the Muslim to follow suit. He must view with repugnance all attempts which impede the natural processes of creation. Ofcourse, emergencies are exceptions which bring about concessions which, however too, have to be manipulated within the confines of the Shariah.

Sterilization as well as reversible contraception are totally negatory of the teachings and spirit of Islam. Unnecessary adoption of these evil practices is a major sin.

ABORTION

Abortion is the termination of intra-uterine life.

Question 1

Is abortion allowed in Islam?

Answer

Life in general and human life in particular is sacred. It does not matter where the life exists. Whether the life is extra-uterine or intra-uterine, its location has no significance on its sanctity. This sanctity applies not only to human life, but to the human body as well. Hence, according to the Shariah, the physical body of insaan (human being) after death is just as sacred as it was before death. The degree of sanctity of life is greater than that for the body.

According to Islam, once the Rooh (soul) enters the foetus, it will be a human being--a person who is alive. Thus a being existing within the uterus is just as sacred as a human being living outside. The Shariah does not discriminate between inter-uterine life and extra-uterine life. Both are equally sacred. The life of the infant within its mother is just as important and sacred in the eyes of the Shariah as the life of the mother. The mother has no priority rights in regard to existence over her baby who happens to be still within her. The authoritative book of the Shariah, Bahrur Raaiq states:

"..... The Shariah does not sanction the killing of one life in order to sustain another life."

In Jawaahirul Fiqh, the following ruling of the Shariah is recorded:

"It is not lawful for a Muslim to save his own life with the life of another who is just as sacred as himself."

In Islam sanctity of life applies to all human beings, be they Muslim or kaafir. It is therefore not permissible for a Muslim to take the life of any human being without the sanction of the Shariah. In fact, he is not allowed to take animal life unnecessarily. The Qur'aan Shareef states:

"Do not kill any life which Allah has ordained sacred, except (by the demands) of justice."

Abortion or killing a baby in the womb of its mother is murder according to the Shariah. Infanticide was a notorious crime in the times of Jaahiliyyah. It has once again reared its head in these times of supposed progress and advancement. The infanticide of the Jaahiliyyah Arabs and the infanticide of the modern westerner differ in only method. But, the crime is the same. Regarding infanticide, irrespective of the method of murder, the Qur'aan Shareef declares in many aayaat:

"Do not kill your children..." Indeed it (infanticide) is a most vile sin."

The Rooh (soul) enters the foetus on 120 days. From that time onwards the foetus is no longer a lifeless object. It is then a human being. After the entry of the Rooh, under no circumstances will abortion be permissible.

"After entry of the Rooh, abortion is not permissible."
(Raddul Muhtaar)

"In the case of a complication in birth when emergence of the baby is not possible other than by abortion, and there is danger to the life of the mother (because of the complication), it (abortion) will be permissible only if the baby is dead. If the baby is alive, abortion is not permissible."

(Fataawa Alamghiri)

Thus, abortion is totally unlawful after 120 days.

Prior to the entry of the Rooh, i.e. before 120 days, abortion is also haraam, but becomes permissible for the protection of health and life which may become gravely endangered on account of pregnancy. In Shaami, the following ruling is given:

"After entry of the Rooh, it (abortion) is not permissible. However, there is difference of opinion among the authorities regarding abortion before entry of the Rooh (i.e. before expiry of the 120 days period)."

Although some authorities are of the opinion that abortion, irrespective of the period of gestation, is not permissible for any reason, our Ulama accepted the view of permissibility of abortion for a valid reason (i.e. for health or life) provided the 120 days period did not yet expire.

Sterilization as well as reversible contraception are totally negatory of the teachings and spirit of Islam. Unnecessary adoption of these evil practices is a major sin.

ABORTION

Abortion is the termination of intra-uterine life.

Question 1

Is abortion allowed in Islam?

Answer

Life in general and human life in particular is sacred. It does not matter where the life exists. Whether the life is extra-uterine or intra-uterine, its location has no significance on its sanctity. This sanctity applies not only to human life, but to the human body as well. Hence, according to the Shariah, the physical body of insaan (human being) after death is just as sacred as it was before death. The degree of sanctity of life is greater than that for the body.

According to Islam, once the Rooh (soul) enters the foetus, it will be a human being--a person who is alive. Thus a being existing within the uterus is just as sacred as a human being living outside. The Shariah does not discriminate between inter-uterine life and extra-uterine life. Both are equally sacred. The life of the infant within its mother is just as important and sacred in the eyes of the Shariah as the life of the mother. The mother has no priority rights in regard to existence over her baby who happens to be still within her. The authoritative book of the Shariah, Bahrur Raai states:

"..... The Shariah does not sanction the killing of one life in order to sustain another life."

In Jawaahirul Fiqh, the following ruling of the Shariah is recorded:

"It is not lawful for a Muslim to save his own life with the life of another who is just as sacred as himself."

In Islam sanctity of life applies to all human beings, be they Muslim or kaafir. It is therefore not permissible for a Muslim to take the life of any human being without the sanction of the Shariah. In fact, he is not allowed to take animal life unnecessarily. The Qur'aan Shareef states:

"Do not kill any life which Allah has ordained sacred, except (by the demands) of justice."

Abortion or killing a baby in the womb of its mother is murder according to the Shariah. Infanticide was a notorious crime in the times of Jaahiliyyah. It has once again reared its head in these times of supposed progress and advancement. The infanticide of the Jaahiliyyah Arabs and the infanticide of the modern westerner differ in only method. But, the crime is the same. Regarding infanticide, irrespective of the method of murder, the Qur'aan Shareef declares in many aayaat:

"Do not kill your children..."Indeed it (infanticide) is a most vile sin."

The Rooh (soul) enters the foetus on 120 days. From that time onwards the foetus is no longer a lifeless object. It is then a human being. After the entry of the Rooh, under no circumstances will abortion be permissible.

"After entry of the Rooh, abortion is not permissible."

(Raddul Muhtar)

"In the case of a complication in birth when emergence of the baby is not possible other than by abortion, and there is danger to the life of the mother (because of the complication), it (abortion) will be permissible only if the baby is dead. If the baby is alive, abortion is not permissible."

(Fataawa Alamghiri)

Thus, abortion is totally unlawful after 120 days.

Prior to the entry of the Rooh, i.e. before 120 days, abortion is also haraam, but becomes permissible for the protection of health and life which may become gravely endangered on account of pregnancy. In Shaami, the following ruling is given:

"After entry of the Rooh, it (abortion) is not permissible. However, there is difference of opinion among the authorities regarding abortion before entry of the Rooh (i.e. before expiry of the 120 days period)."

Although some authorities are of the opinion that abortion, irrespective of the period of gestation, is not permissible for any reason, our Ulama accepted the view of permissibility of abortion for a valid reason (i.e. for health or life) provided the 120 days period did not yet expire.

In view of the difference of opinion among the authorities of the Shariah on the permissibility of abortion during the period when life has not yet entered the foetus, doctors should be extremely cautious. Such operations should be performed only if the pregnancy constitutes a serious threat to the life of the mother. It must be remembered that unanimously all authorities agree that abortion even prior to the entry of the Rooh, is not permissible for no valid reason. Their difference of opinion pertain to a situation where the pregnancy constitutes a threat to life and Rooh has not yet entered the foetus. Some authorities say that in such a case abortion will be permissible while others say that it is haraam in all cases, no matter what the danger is to the life of the mother

Question 2

Is there a place for abortion under the following circumstances?

(a) When the mother's physical or mental health or life is in danger?

Answer: Permissible before 120 days.

(b) When there is danger of an inherited disorder manifesting in the offspring, e.g. Huntington's chorea?

Answer: Permissible before 120 days. But, the doctor--the Muslim doctor-- must fear Allah Ta'ala in making his decision. He must not make a decision of abortion on the basis of slight grounds. If he feels convinced of a real danger, then only should he proceed reluctantly with abortion. Allah Ta'ala says in the Qur'aan Shareef:

"But, in fact, man is well aware what is in his nafs although he advances excuses (and arguments to justify his action)."

(c) When a congenital defect is feared or suspected, e.g. following rubella?

Answer : The same argument and ruling of permissibility described in question (b), above.

(d) When an intra-uterine diagnosis of foetal abnormality is made, e.g. Spina Bifida, Anencephaly, Hydrocephalus?

Answer : Permissible before 120 days. The same argument in question (b) above, will apply here as well.

(e) In pregnancy following rape?

Answer : Abortion permissible before 120 days.

(f) In an unwanted pregnancy for any reason?

Answer: It is necessary to specify the reason before a ruling can be given. Abortion is not permissible for any reason. The reason must be valid in the Shariah.

(g) When a pregnant woman is in no position to care for her own needs, e.g. crippled or mentally ill?

Answer: Abortion not permissible for this reason. The baby will have to be given for adoption or the nearest relatives will be obliged by the Shariah to care for the baby.

It should always be borne in mind that abortion is never permissible once the Rooh has entered the foetus, i.e. on 120 days.

INFERTILITY

Does Islam allow the following:

a. Artificial insemination with the husband's semen?

b. Artificial insemination with donor's semen?

c. 'Test tube babies', i.e. fertilisation of wife's ovum with husband's sperm in a test tube and returning the fertilised ovum into the wife's uterus?

Answers:

Artificial insemination with the husband's semen:

Artificial insemination with the husband's semen is permissible. The following are the conditions for this permissibility:

(i) The wife is unable to become pregnant in the normal and natural way.

(ii) The semen must not be acquired by self-masturbation.

(iii) There must be absolute certainty that the semen which is being used is that of the husband.

If any one of these conditions is lacking, artificial insemination will not be permissible.

Artificial insemination with a donor's semen:

Under no circumstances is this permissible.

Test-Tube babies:

Fertilization of the wife's ovum with the husband's sperm in a test-tube and returning it to the uterus of the wife is permissible. This permissibility is also governed by the same three conditions mentioned above in regard to artificial insemination.

CONTROL OF MENSTRUATION

Question

Does Islam allow control of menstruation with the aid of drugs to suit occasions, e.g. Hajj, honeymoon?

Answer

One of the basis for prohibiting anything in the Shariah is 'harm'. Anything which is harmful or injurious will be prohibited in terms of the principles of the Shariah. Poisonous substances are unlawful because of their capacity to harm. Hence, it will not be permissible to use any harmful substance unless it is sanctioned by an expert and qualified medical practitioner.

Controlling menstruation is not normally permissible because of the following two reasons:

(1) It is harmful to the body. Anything which interferes with the natural functions of the body is necessarily harmful to the body.

(2) It falls within the scope of the general application of the Qur'aanic ayat:

"(Shaitaan said to Allah Ta'ala): I shall most certainly command them (people) to change the creation of Allah."

Controlling menstruation is an interference with the creation of Allah Ta'ala. Such interference is not allowed by Islam. However, if there is a real need for this measure it will be temporarily permissible.

Tawaaf-e-Ziyaarat is Fardh in Hajj. Without this Tawaaf being executed, one remains in the state of ihraam. Control of menstruation is permissible for this purpose.

Control of menstruation is not permissible for honeymoon or any such futile acts.

ANIMAL EXPERIMENTATION

Animals may be used for several purposes in medicine:

1. To determine the effects of new drugs on the body. Before being tried on humans the drug is introduced in the animal and the beneficial and possible harmful side effects are determined, e.g. Bacteria causing tuberculosis are introduced into the animal. When it develops TB, the drug found to be curing TB is given to the animal. The animal is then assessed clinically to determine the effect of the drug. It may be killed and dissected so that the diseased parts can be examined under the microscope.

2. To determine whether certain substances, viruses or bacteria cause certain diseases, e.g.

(a) A chemical substance which is suspected to be a carcinogen, that is, which causes cancer, is introduced into an animal which is then observed.

(b) A bacteria which is suspected to cause meningitis is introduced into the animal.

In both cases, the animal is killed and dissected to determine the results.

3. To study physiological changes in the body following the introduction of certain substances or drugs, or alteration of certain factors, e.g.

(a) The animal is given the drug to determine its effect on respiration and heart rate. The effects are then recorded visually or by mechanical aids.

(b) The animal is subjected to severe cold and the effects are recorded as above.

All the information obtained enables one to determine what the results may possibly be if the same procedure is applied to humans, thus enabling us to understand the human body more and therefore facilitating improved treatment of a sick person.

Question 1

Is animal experimentation such as mentioned above permissible in Islam?

Answer

Rasulullah (sallallahu alayhi wasallam) said:

"Allah Ta'ala has ordained kindness for everything."

"He who has no mercy will not be shown any mercy."

Therefore, when you kill, kill humanely and slaughter humanely."

"Sharpen the knife (with which you are to slaughter)."

Rasulullah (sallallahu alayhi wasallam) once saw a man sharpening his knife after he had laid down his goat. Rasulullah (sallallahu alayhi wasallam) reprimanded him as follows:

"Why did you not sharpen the knife before? Do you intend to inflict several deaths on the animal?"

Once Hadhrat Umar Ibn Khattaab (Radiallahu anhu) saw a man sharpening his knife after having laid down his goat. Hadhrat Umar (radiallahu anhu) lashed the man with his whip and reprimanded him as follows:

"Do you wish to torture a Rooh (soul)? Why did you not sharpen your knife before you took hold of the goat?"

Besides these incidents, there are many episodes and teachings of Islam which prohibit the infliction of pain and distress to animals. In Islam, animal life too is sacred. Therefore, Islam does not permit hunting animals for sport nor does Islam permit the insertion of live bait in fishing hooks. Even after an animal has been slaughtered, Islam orders that the skin should be removed only after all signs of life have disappeared from the animal.

In view of the sacredness of even animal life, Islam permits the taking of animal life only for real human need. When need occasions this exigency, the animal's life has necessarily to be taken with the permission of Allah Ta'ala. The Tasmiah (reciting Bismillaah when slaughtering) signifies this permission. Furthermore, Islam permits no way of killing besides Shar'i Thabah. It is not lawful to kill an animal in any way other than by the way of thabah. Emergencies, of course, are exceptions.

Animals which are required for vivisection or experimentation must firstly be slaughtered Islamically. No other way of killing is condoned by Islam. Islam does not permit the type of experimentation described in the question to be conducted on live animals. Such forms of experimentation are torture. They inflict pain and distress

to the animals, and this is not permissible regardless of the altruistic motives. The following rulings recorded in the books of the Shariah will throw more light on this prohibition:

"If a cat is harmful, it should not be beaten nor should its ears be twisted. But, it should be slaughtered with a sharp knife. --Al-Wajeez of K rdawi."

(Fataawa Alamghiri)

It should also be remembered that when slaughtering any animal, be it animals halaal for consumption or be it haraam animals such as cats, dogs, etc., it is essential to recite the Tasmiah at the time of thabah. If Tasmiah was not recited, the animal will be carrion in terms of the Shariah. It will be impure and hence, not permissible for any purpose. It may then not be used for even experimentation. It is not permissible to feed even dogs with animals which have not been slaughtered Islamically, i.e. the Tasmiah inclusive. (Fataawa Alamghir and other Books of the Shariah).

"It is forbidden to burn lice and scorpions (these are merely examples)." (Fataawa Alamghiri)

"A donkey is sickly and is no longer of any benefit to its owner. It is permissible for the owner to put an end to it by means of thabah."

(Fataawa Itaabiyah)

"It is forbidden to train the hunting falcon with birds which are alive, for it catches it and tortures it." It is permissible to train the falcon with birds which have been slaughtered (math-booh)."

(Muheetus Sarkhasi)

DRUGS DERIVED FROM ANIMAL SOURCES

Many drugs in use today are derived from animal sources such as pig, ox and sheep. Examples of such drugs are Heparin, enzymes, hormones, gelatine used to make capsules, pastes, pessaries and suppositories.

Question 1

Is the use of drugs derived from the ox and sheep permissible even if they are not Thabeelah (Islamically slaughtered)?

Answer: Drugs derived from halaal animals such as ox and sheep which are not slaughtered Islamically are not permissible since such animals are described by the

Shariah as 'maitah' or carrion. Carrion is impure and haraam. It is therefore not permissible to use derivatives from non-thabeedah animals. In fact, it is not lawful for a Muslim to feed even animals with such carrion. Fataawa Alamghiri states:

"A dog or a donkey slaughtered by the thabah method may be fed to cats (or any other animal). It is lawful. But, it is not permissible to feed it (a cat, etc.) with pig or anything of maitah (carrion)."

(As-Siraajiyah)

In fact, maitah has been declared haraam in the Qur'aan Shareef as well.

Question 2

Is the use of drugs derived from the pig permissible?

Answer

All derivatives from the pig are haraam. It is therefore not permissible to use drugs derived from the pig.

POST MORTEMES

Knowing full well that post mortem dissection can be very mutilating, yet sometimes very important and useful as they unearth valuable information that may help save other lives, what should our attitude to post mortems be?

Answer

All things and practices have their advantages and benefits. However, along with their benefits are their harms. On the basis of harm, the Shariah has outlawed many practices in spite of their benefits. While conceding the benefits of post mortems, the Shariah does not permit this mutilation of the human body because:

(a) The human body is sacred and an object of honour and respect. Cutting it, dissecting it and mutilating it are not permissible no matter what beneficial results may stem from such post mortems. The sanctity of the human body has already been explained in the question dealing with organ transplants.

(b) The human body does not belong to any person, hence man has no right to use and misuse the human body. He has no right to donate his own body since it is not his property nor is he allowed to sell it or part of it.

(c) Rasulullah (sallallahu alayhi wasallam) explicitly forbade making use of the human body.

Unanimously, all authorities of the Shariah have declared unlawful cutting and dissecting the body of a human being even to save the life of another human being. This has already been explained in the question dealing on organ transplants. The Shariah has made two exceptions to this law, as follows:

(1) A pregnant woman dies and the baby is alive within her. In this case it is compulsory to cut open the body and remove the baby. However, if the baby is also dead, then it is not lawful to cut the dead body. (Fatawa Alamghiri)

(2) A person unlawfully takes possession of another's property and swallows it, e.g. a precious stone, and dies. In this case if the owner demands his wealth it will be paid from the estate of the deceased. If the deceased has left sufficient wealth to compensate for the liability, it will not be permissible to operate on him to remove the article. However, if he does not possess sufficient wealth to compensate for the item which he had swallowed and the owner demands his wealth, the body will be cut and the item returned to its owner.

These are the only exceptions allowed by the Shariah because the rights of others are involved.

For no other reasons will post mortems be permissible.

Another important thing to remember is that the Shariah has ordained many rules and acts applicable for the mayyit (deceased). Bodies used for experiments and models by medical students are denied the holy rituals such as ghusl, kafan, dafan, etc. The teachings of Islam in this regard are all abandoned in cases of mutilation of bodies.

PROMISCUITY

Certain mental illnesses make these patients prone to promiscuity and as such, females are prone to pregnancy. Knowing full well that such a patient cannot give her children the necessary proper motherly care, and further children born of such parents may also have a similar disease, can we:

(1) Sterilize such a patient?

(2) Perform an abortion on them when they get pregnant?

Answer to Question 1

The question is ambiguous. We are not certain in what context the term, 'promiscuity' has been used here. If the patients referred to are unmarried then contraception will not be permissible. If the patients are married persons, reversible contraception will be permissible if the doctor feels honestly that there is a real need and the patient too is willing. Sterilization is not permissible in this case.

On the limited information furnished in the question, it is difficult to make an accurate assessment of the condition of such patients. For this reason it will suffice to say that if there is a real need for contraception for these patients, reversible contraception will be permissible with their consent.

Answer to Question 2

Abortion is a great evil in the Eyes of Islam, whether it is prior to the entry of the Rooh. After entry of the rooh abortion is never permissible no matter what the circumstances and the dangers. Before 120 days abortion is permissible for a valid reason. Therefore, if there is a pressing need, a real need for abortion, it will be permissible before 120 days have passed. It is not a simple task to issue a general fatwa to cover all patients. It is therefore essential that each patient be treated separately. Every case must be reviewed separately and then only should the doctor make a decision in consultation with an Aalim. Abortion is never to be considered lightly. If there are strong grounds to believe that an abortion will have to be performed on such a patient if she becomes pregnant, then it will be better to opt for the lesser of the evils. She should then be advised to resort to contraception.

PROSTHETIC SURGERY

Question 1: Are we allowed the value of plastic surgery to improve our looks, e.g. breast upliftment or enlargement, facial improvements?

Answer: Such surgery for the reasons mentioned in the question come within the scope of the Qur'aanic aayat: (Shaitaan said to Allah)"I shall most certainly command them (people) to change the creation of Allah."

A Muslim should be satisfied with the looks Allah Ta'ala

has bestowed to him/her. Interference with this natural creation is not permissible. Such plastic surgery is an act and inspiration of shaitaan. Plastic surgery will be permissible for a real need. Breast enlargement and facial improvements are not needs which can warrant such transformation of Allah's creation.

Question 2

Are we allowed the use of prosthesis to improve function?

Answer

Prosthesis is an artificial substitute for a missing part of the body, e.g. arms, legs, etc. Such artificial parts are permissible to improve function.

JINNS

Question 1

As Muslims we believe in the existence of Jinns. However, what is the proof from the Shariah that Jinns cause diseases, especially mental diseases, and that cure can be obtained by exorcising the Jinn?

Answer

Jinn is a species which Allah Ta'ala created from intensely hot smokeless fire which the Qur'aan describes as 'samoom'. There are different kinds of Jinn. The subtlety (lataafat) of the matter from which they have been created enables them to penetrate the human body through the skin-pores. The authoritative book on Tafseer, Roohul Ma-aani states:

"By virtue of the subtlety of the matter (from which jinn has been created), jinn is able to transpire through the pores of the body."

The class of jinn which is harmful, evil and satanic is described in the terminology of the Qur'aan and Shariah as 'shayaateen'. Transforming themselves into different forms and shapes, exercising evil influence, magic and harm are among the natural propensities of jinn. Allah Ta'ala in His infinite wisdom has endowed them with such powers. The Qur'aan Shareef in Aayat 102 of Surah Baqarah states that the shayaateen (i.e. the evil jinns) instructed people in the knowledge of sihr (black magic). Thus, the shayaateen having powers to harm is confirmed by the Qur'aan

Shareef. This fact was confirmed by Rasulullah (sallallahu alayhi wasallam) as well on an occasion when he (sallallahu alayhi wasallam) went to propagate Islam to the Jinn. On that occasion a Sahaabi accompanied Nabi-e-Kareem (sallallahu alayhi wasallam). At a place in the wilderness Rasulullah (sallallahu alayhi wasallam) drew a wide circle in the sand and instructed the Sahaabi to remain within the confines of the circle, saying that as long as he remained within the circle the jinn will not be able to harm him. There is thus no doubt in the harming ability of jinns.

Furthermore, the fact that jinns possess the power to gain entry into the human body, dominate and control the entire operation of the person, is indicative of the type of powers which Allah Ta'ala has created in them. Penetration into the human body by such a powerful, evil and alien species is bound to adversely affect the mental and physical states of the human being. Even the penetration of a little thorn into the human body produces mental and physical anguish and pain. What then will be the effect on the human body when an evil jinn has gained entry into the body?

We are not aware of any Shar'i proof to substantiate the fact that jinn causes diseases. However, there is no doubt in this fact. It is self-evident to those who are aware of such matters. Acknowledgement of this fact is not dependant on Shar'i proof just as Shar'i proof is not required to acknowledge the existence of various physical diseases. The experts in the medical profession will inform us that there exists a disease such as Huntington's chorea. The public will accept this to be the truth. Similarly, the experts (Aamils) of the subject of jinns will inform us that jinns cause mental and physical illness in man.

Experiences and the statements of great Auliya and Ulama prove that exorcism of jinns cures the patient. Although this does not constitute Shar'i proof, nevertheless it is sufficient to believe in the validity of this claim. We know of no Shar'i proof for the claim that exorcizing jinns produces cure. This does not mean that there does not exist such evidence.

Question 2

What do we mean by paak (clean) and napaak (unclean) jinns? What sort of diseases do they cause?

Answer

Paak and napaak in relation to jinns are not terms of the Shariah. In Indian languages (Urdu and Gujarati) jinns of the shayateen class are referred to as being napaak jinns,

FAITH-HEALING

Is it permissible for Muslims to obtain treatment from practitioners who use non-Islamic or alien methods? When doctors have failed in curing a patient can they recommend such treatment which is foreign to Islam?

Answer

Only methods which conflict with the Shariah will be said to be alien and foreign to Islam. Any method of treatment which does not violate the Shariah is permissible

Faith-healing by non-Muslims is not permissible since there exists the grave danger of them employing occult methods in which kufr, shirk, sihr or some other satanic influence operate. The article on sihr in this booklet will further explain this. It is, therefore, not permissible for Muslim doctors to refer patients to non-Muslim faith-healers.

NEWS FLASH

THE FOLLOWING ARE ARTICLES EXTRACTED FROM NEWSPAPERS ALL OVER THE WORLD AND THE OBSERVATION AND COMMENTS OF A BROTHER WHO BRINGS TO LIGHT SOME OF THE IMMORAL MEDICAL PRACTICES IN VOGUE IN THE WESTERN MEDICAL PROFESSION.

1. **MEDICAL MURDER**
- London
2. **BABY DESTROYED IN WOMB**
- New York
3. **EVILS OF THE PILL**
- The New England Journal of Medicine
4. **MEDICAL DISCOVERY**
- Lagos
5. **BRAIN DEAD**
- Johannesburg
6. **THE GRUESOME MURDER THEY CALL ABORTION**
- Gold Medalist, all India Medical Institute New Delhi

MEDICAL IMMORALITY

A brother from Australia writes in regard to the immoral medical examinations to which Muslim women submit themselves in Australia:

".....These examinations are called routine checks and the doctor is paid from government funds. There is a stunning silence about these treatments everywhere where family planning (a respectable name for the despicable technique of birth control) is promoted some of these immoral tests are prevalent.

Almost all submit to the ignominy of these nude medical tests because they have become routine matters. Muslims themselves connive at these sins. My wife managed to secure an exemption, but the lady doctor's displeasure was incurred because a check would earn her \$50..

However, people are not concerned with exemptions. Only those who have Yaqeen will endeavour these immoral tests.

Confinement in hospitals is a real problem. I have not yet heard of a single case of exemption. Pregnant women are at the mercy of public hospitals. The entire medical profession is in the hands of the kuffaar. In his renowned work, Imaam Al Ghazaali (rahmatulla alayh) lamented this fact. From the pre-natal period to the post-natal period the woman is subjected to all sorts of unnecessary tests and exposure. There is an absolute hush on this disturbing matter. This is because all sense of shame in this age has vanished.

Sin is overlooked and everything which emanates from the Western kuffaar medical profession is viewed with awe and respect at the expense of the noble and exalted Shariah.

Someone has rightly commented

that Allah Ta'ala has assigned us into the clutches of the kuffaar for the past few centuries because of our gross disobedience. this is our punishment.....

The physicians of the past behaved with dignity and decorum. But, today under the petrified system, not even the hypocratic oath is respected by physicians who are gullible and shameless. But the public is mesmerised by big advertisements extolling the achievements of western medicine. But much of this medical profession is viewed with disgust by the Shariah. Muslims are forgetting that they are duty-bound to give priority to Allah Ta'ala, The Curer of all disease."

MEDICAL TREATMENT

The ultimate result of any illness or disease is Maut (death) which is an inescapable reality. Death comes at its appointed time. The Qur'aan Majeed says:

"It is not for any person to die but with the permission of Allah at an appointed time."

Some people possess such an obsessive fear of Maut. But, maut cannot be escaped. For some diseases the doctors have no cure and they experiment with patients. In desperate attempts to elude Maut the patients readily submit to torturous treatment in the experimental stage in the hope of evading death. Yet, they will die at the moment Allah Ta'ala has stipulated for them.

When Maut cannot be prolonged by even one second, no matter what the atheist experts of medical science have to say, Muslims should not resort to haraam and torturous methods. Organ transplantations, blood transfusions and

NEWS FLASH

THE FOLLOWING ARE ARTICLES EXTRACTED FROM NEWSPAPERS ALL OVER THE WORLD AND THE OBSERVATION AND COMMENTS OF A BROTHER WHO BRINGS TO LIGHT SOME OF THE IMMORAL MEDICAL PRACTICES IN VOGUE IN THE WESTERN MEDICAL PROFESSION.

1. **MEDICAL MURDER**
- London
2. **BABY DESTROYED IN WOMB**
- New York
3. **EVILS OF THE PILL**
- The New England Journal of Medicine
4. **MEDICAL DISCOVERY**
- Lagos
5. **BRAIN DEAD**
- Johannesburg
6. **THE GRUESOME MURDER THEY CALL ABORTION**
- Gold Medalist, all India Medical Institute New Delhi

MEDICAL IMMORALITY

A brother from Australia writes in regard to the immoral medical examinations to which Muslim women submit themselves in Australia:

".....These examinations are called routine checks and the doctor is paid from government funds. There is a stunning silence about these treatments everywhere where family planning (a respectable name for the despicable technique of birth control) is promoted some of these immoral tests are prevalent.

Almost all submit to the ignominy of these nude medical tests because they have become routine matters. Muslims themselves connive at these sins. My wife managed to secure an exemption, but the lady doctor's displeasure was incurred because a check would earn her \$50..

However, people are not concerned with exemptions. Only those who have Yaqeen will endeavour these immoral tests.

Confinement in hospitals is a real problem. I have not yet heard of a single case of exemption. Pregnant women are at the mercy of public hospitals. The entire medical profession is in the hands of the kuffaar. In his renowned work, Imaam Al Ghazaali (rahmatulla alayh) lamented this fact. From the pre-natal period to the post-natal period the woman is subjected to all sorts of unnecessary tests and exposure. There is an absolute hush on this disturbing matter. This is because all sense of shame in this age has vanished.

Sin is overlooked and everything which emanates from the Western kuffaar medical profession is viewed with awe and respect at the expense of the noble and exalted Shariah.

Someone has rightly commented

that Allah Ta'ala has assigned us into the clutches of the kuffaar for the past few centuries because of our gross disobedience. this is our punishment.....

The physicians of the past behaved with dignity and decorum. But, today under the petrified system, not even the hyppocratic oath is respected by physicians who are gullible and shameless. But the public is mesmerised by big advertisements extolling the achievements of western medicine. But much of this medical profession is viewed with disgust by the Shariah. Muslims are forgetting that they are duty-bound to give priority to Allah Ta'ala, The Curer of all disease."

MEDICAL TREATMENT

The ultimate result of any illness or disease is Maut (death) which is an inescapable reality. Death comes at its appointed time. The Qur'aan Majeed says:

" It is not for any person to die but with the permission of Allah at an appointed time."

Some people possess such an obsessive fear of Maut. But, maut cannot be escaped. For some diseases the doctors have no cure and they experiment with patients. In desperate attempts to ellude Maut the patients readily submit to torturous treatment in the experimental stage in the hope of evading death. Yet, they will die at the moment Allah Ta'ala has stipulated for them.

When Maut cannot be prolonged by even one second, no matter what the athiest experts of medical science have to say, Muslims should not resort to haraam and torturous methods. Organ transplantations, blood transfusions and

any other haraam method should not be adopted. Allah Ta'ala is the Curer of every disease. If He wills cure, the patient will be cured. If He has set out Maut or if He does not will cure, no one can do anything about it. The doctors are merely pursuing futile attempts in their desperate bids to save lives. They can never do so. The Mu'min should have Yaqeen in Allah Ta'ala, while there is nothing wrong in adopting normal and haal forms of medical treatment, the Mu'min's gaze should not go towards abnormal and haraam methods of treatment.

Some types of medical treatment cause great pain and discomfort to the patient. In fact, the patient has to undergo torture while the after effects are terrible and ghastly. medical treatment is not Waajib. Greater reliance should be put in Allah Ta'ala. Resort to Dua and adopt Sabr.

ABORTION WESTERN SAVAGERY

Do you know how abortionists kill babies?? More than 90 per cent of the babies are killed using one of these three methods:

1. Pulling the baby apart by suction.
2. Salt poisoning and scalding the baby.
3. Cutting the baby to pieces with a sharp knife.

TEST -TUBE BABIES

In their yearning for children, some childless couples in the Muslim community has to resort to the "test-tube baby" technique. Under certain stringent conditions technique can be permissible in the Shar-

iah. However, Muslims should not consider this means. Firstly, the conditions for the permissibility of this method are as follows:

* The sperm must be that of the husband. There has to be certitude in this regard.

* Procurement of the husband's sperm must not be by a haraam method such as masturbation.

* Conception in the normal and natural way is not possible.

Whereas these conditions are found in theory, they do not exist in practice. Even after procurement of the sperm, there is no absolute certainty that it is in fact being used for implantation into his wife.. there is none who can come forward and bear shahadaat (testimony) in this regard. The word of a non-Muslim physician in a Deeni matter is unacceptable in the Shariah regardless of his integrity assuming that the physician is a pious Muslim who measures up to the Islamic requirements of Shahaadat, he has no personal custody of the sperm. There is no total Muslim supervision and control. The elements of certitude is thus lacking, the same applies to the method is haraam. The Imaam of Muslims demands that they do not step beyond the confines of the method of reproduction created by Allah Ta'ala. If conception does not occur naturally and normally the Muslim should resign himself / herself to the Will of Allah Ta'ala. Creation of life is the function of exclusively Allah Ta'ala. If Allah has not decreed a life, it will never come into existence, no matter what method and technique are employed. On the other hand, if Allah Ta'ala decreed the creation of a life, there is nothing to prevent its coming into being. In this regard the Qur'aan Shareef declares *"Unto Allah belongs the dominion of the heavens and the earth. He creates what he de-*

sires. He bestows females to whomever He wills, He makes barren (infertile). Verily, He is the All-Knowing, the Most Powerful."

Islam is thus explicit in the matter of the creation of life. All souls to appear on earth have already been decreed and predetermined in Eternity. Long, long before creation of the earth Islam tells us that Allah Ta'ala had decided on all creation. In view of this emphatic decree of Allah Ta'ala, there is absolutely no need for Muslims to resort to this unnatural technique. Dua is sufficient. Resignation with contentment is the way to adopt. We as the servants of Allah Ta'ala must necessarily be satisfied with His Will. Slaves and creatures have no right to accord priority to their own wishes. The Will of Khaaliq (The Creator) has to be the will of the makhlooq (creature) as well.

THE QUR'AAN SAYS:

"It is He Who has created you from sand, then from a drop, then from a clot. Then He took you out as an infant. Then (He nurtured you) so that you attain manhood, then thereafter you reach old age."

These are important points for the Mu'min to ponder. He must reflect on his origin and the various stages of development and decline in his life. Only after meditation will he realize his destination.

IMMORAL EXAMINATION

On these pages appears the observations and comments of a brother who brings to light some of the immoral medical practices in vogue in the western medical profession. In Vol. 9 No. 2, The Majlis has commented on some of these immoral

practices prevalent in almost all countries. Women are imposed on to submit to medical examinations in the Shariah could be correctly termed 'practices of zina'. Under the sinister veil of 'medicine' a variety of zina techniques are employed and given respectability by the professionals. The ordinary ignorant man in the street, on account of his supreme ignorance of Islam and his total subservience to all things western, is awed by whatever is said in the name of western science. Thus, evil, immorality and even zina are accorded acceptance and respectability.

Muslims, already severely retarded in their Imaan, are further destroying themselves morally and spiritually by submitting to the type of immoral medical examinations offered by western doctors. It is the obligatory duty of Muslims to refuse to submit to examinations of zina. Rasulullah (sallallahu alayhi wasallam) said:

"Allah Ta'ala has not put the cure of my Ummah in things which have been made haraam for them."

Muslims are a community which subscribes to transcendental values. We are a community with lofty morals. Moral purity is an attribute which is a virtue exclusive to Muslims. There is no nation on earth which has a conception of moral purity such as the members of Islam have. It is incumbent on Muslims to strive against the evils of the western medical system. Muslim physicians have a sacred duty to assist in upholding Islamic demands. If their profession is going to serve only their pecuniary interests, they will be arraigned in the Divine Court in the Hereafter for having aided and abetted in the satanic scheme of wrecking the Hijaab and modesty of many Muslim women who themselves cannot be exculpated of blame because of the evil insistence of evil medical men.

Doctors should bear in mind that the command to acquire halaal earnings and to abstain from haraam income is not confined to traders and menial workers. "The medical profession, just as all other professions, all come within the ambit of Shar'i scrutiny. Money earned by way of haraam and immoral medical examination is haraam. Such money cannot be used for halaal purposes. A Muslim doctor must accord prior allegiance to Islam, not to western medical science. If a medical practice is in conflict with the Shariah, confound it. No matter what benefit the doctor may discern in an immoral examination, he should abandon it and resort to a respectable and permitted method even if he discerns lesser benefit therein. Allah Ta'ala is Shaafiyul Mardh (The Curer of sickness). All Muslims are constrained by their Imaan to have faith in Allah Ta'ala to the degree where abstention from haraam becomes their nature.

An examination which required a woman to bare herself and submit to shameless immoral torture meted out by the hands of physicians is decidedly evil and shaitaani. Both Muslim doctors and Muslims in general should protest against these evil examinations. Women should not submit to the vile medical advances of western medicine. Husbands should not become so spineless as to allow their wives to submit to immoral tests. Nowadays it has become fashionable for a husband to view his wife giving birth. It has become fashionable because western doctors have made it fashionable. These doctors encourage the husband to be present on the occasion of childbirth, but they will not encourage the husband to be present when they are examining his wife in privacy. All ploys of shaitaan and the nafs. Husbands should insist on being present when their wives are forced by emer-

gency to be examined by a male doctor.

Even if examined by a female doctor, it is haraam for a Muslim woman to unnecessarily bare her body. Only the necessary portion of the body may be exposed. A Muslim woman is not allowed to expose unnecessarily even her hair and arms in the presence of even a female doctor. Women should understand this fact well.

ABORTION

It has been claimed that if the life of a pregnant mother is in danger, abortion is lawful irrespective of the period of gestation. It is contended that even after the Rooh (soul) has entered the foetus, abortion will be permissible if the life of the mother is threatened. This claim has been attributed to Dr. Hamidullah of Paris. It is necessary to refute this baatil view.

Once the rooh has entered, abortion will be regarded as murder in the Shariah. Upon entry of the rooh, the foetus is a live human being whose life is just as sacred as the life of its mother. In degree of sanctity, both lives are equal. The one life has no priority and preference over the other in relation to existence. Islam does not permit the killing of one life merely to save another life. Those aborting a live baby are guilty of the heinous sin of murder. According to the Shariah, the rooh enters the foetus on 120 days. On this fact there is Ijma' (consensus of the Ummah). Under no circumstances whatever, will abortion be permissible after this time.

MEDICAL MURDER

LONDON - An aborted foetus crying as it struggles briefly for life

in a hospital sluice. A desperate woman bleeding to death at the hands of a backstreet abortionist.

The horror tales by each side in the highly emotional abortion issue are on Britain's television screens and newspaper front pages again as the most determined bid yet to tighten the country's 13-year-old liberal abortion laws peaks.

BABY DESTROYED IN WOMB

NEW YORK - American surgeons say they have destroyed an abnormal baby twin in the mother's womb without injuring the other twin.

The abnormal foetus was bled to death by puncturing its heart and withdrawing half of its blood, doctors at the Mount Sinai School of Medicine said.

Indeed, killing children is a vile sin. - Quran.

EVILS OF THE PILL

BIRTH DEFECTS FROM PILLS. *The New-England Journal of Medicine* says that a study of 50 000 pregnant women showed that those who took female hormones in early pregnancy had more than twice as many babies with heart defects. Those who took birth-control pills in early pregnancy had three times as many babies with heart defects.

MEDICAL "DISCOVERY"

ON THE CHEWING STICK

LAGOS. Fourteen-hundred years ago Muslims were given a complete code of Do's and Don't's wherein lies their salvation. Today, medical science is proving the benefits of that code, the code of THE QURAN and the SUNNAH.

After a two-year study Dr. Ezekiel Sofowora, acting dean of Pharmacy at Life University, Nigeria, says that the 'roots and stems' (miswaak) used for tooth-cleaning not only have anti-microbe qualities but could help combat sickle cell anaemia.

Pitting a 'chewing stick' compound, *fagara zanthoxyloides*, against sickled and normal blood cells, Sofowora found that it prevented a blood cell going sickle - "and if it has sickled the compound brings the cell back into shape". In addition, evidence from five generations of use of the chewing stick indicate that the compound has none of the side-effects experience in currently-used compounds of urea and cyanates in toothpaste.

"It is the most important single discovery", in research into the sickle-cell, a blood disorder, according to Dr. Norman Doorenboos, Chairman of the University of Mississippi's department of Pharmacognosy (Knowledge of natural drugs).

MURDER!

The concept of "brain death" has been formulated by western medical establishment to enable medics to grab organs out of the bodies of living human beings. Their fanciful interpretation of death and their misleading definition of death serve only to befuddle the minds of ignoramuses.

By pronouncing a living human being "brain dead", doctors are legally entitled to murder the victims by removing their internal organs for transplantation.

The Shariah does not recognize the evil concept of "brain death". A person pronounced brain dead by the kufr medics is Islamically and physically alive. He is not dead. His Rooh (the substance of life) is yet

in the body. A dead person does not come back to life. The following report is adequate evidence for the falsity and villainy of the "brain death" concept conjectured by kufr medical experts. The report appeared in the Evening Post of 6th February 1991.

"Brain-Dead" young golfer active again

Post Correspondent

JOHANNESBURG - A year ago, Deon Lombard, 22, a Junior Springbok golfer, was pronounced "brain dead" after a serious accident.

After treatment in hospital, he began to walk painfully only three or four steps at a time before feeling exhausted.

Today he can run 100m with ease, and he is well on his way back to health - and already preparing to resume playing golf.

Deon, who is blind in his left eye, fought back courageously with the support of his family - his mother, father and brother Lester, 20, - and friends.

And today he can run, eat his meals, dress himself and climb stairs.

Do not proclaim something about which you have no knowledge.
(Qur'aan)

GESTATION

According to the Shariah the minimum period of gestation is six months. Gestation is the carrying in the womb between conception and birth. Thus a child born on or after six months to a married woman will be legitimate in Islam. Only if birth occurs less than six months after nikah will the child be regarded as being illegitimate.

From this ruling of the Shariah it will be clear that it is wrong, un-Islamic, slanderous and sinful to accuse a married woman or to cast aspersions against her if a child is born to her less than nine months after her nikah.

The maximum period of gestation according to the Shariah is two years. Thus, if a child is born at any time within two years after a woman was divorced and the woman never claimed expiry of her iddat, the child will be considered to be the child of the man who was her husband. However, if after having been divorced she had made known that her iddat has expired, then the child will be an illegitimate one even if born within the two-year period, i.e. two years after date of talaq.

A HARAAM TECHNIQUE

Western medical science is planning to use the ovaries of dead women in an attempt to "help the infertile have babies".

Ovarian material from aborted foetuses will also be used for this purpose.

According to the Shariah this technique is not permissible since it involves human organs. All human organ transplantation is not allowed in Islam. Transplanting ovaries falls in the same prohibited category.

THE GRUESOME MURDER THEY CALL ABORTION

Amrinder Bajaj, Gold medallist,
Gynaecologist of the All India Medical Institute, New Delhi,
sums it up thus:

"I am a gynaecologist and it is part of my professional duty to do countless number of M.T.P.'s (Medical Termination of Pregnancy)). I thought nothing about it till I read somewhere that it has been ultrasonically proved that the baby feels pain. This set me thinking ... A tiny little human being at the beginning of the world - the beginning of his world, a would-be great man, or perhaps, even an ordinary human being. At the moment, he is the sole occupant of the universe, his own personal universe, kicking, playing, bouncing and sleeping in the warm ocean that engulfs him, snug and secure in the foolproof fortress of his mother's womb. He is happy enough in his solitary confinement, chained to his mother, who will protect him and deliver him at great risk to her own life. Or so, he thinks. Mothers these days are not the glorified, idolised mothers of bygone days. They are liberated women, intellectuals who spout speeches of equality and individual rights.... Even a sculptor of the worst order will think a hundred times before destroying his creation, but does a mother - the giver of life - reserve the right to destroy life? Does she have the right to misuse the all-important task that nature has bestowed on her - that of protection? Aren't these women, then, murderers? A person is not even allowed to take his own life, his one personal belonging. Suicide is a punishable offence. Yet, the murder of an unborn offspring is approved of by the government as a part of the family planning programme. Some planning indeed! Is an unborn child less alive? Does he not feel pain and

terror? Is his life less important to him than ours to us? What makes a mother feel that she can play god(d-ess) and make or destroy life according to her whims and fancies?.... And when such a woman feels new life stirring inside her, instead of wonderment at the miracle she feels trapped. How is she going to cope? The baby will come perhaps at the most inopportune time. Her exams or a near relative's wedding, or the date of their foreign tour falls at the time it is due. It will sap her strength, make her unattractive, disturb her comfortable way of life (only a minority are unmarried). So she decides to sacrifice it at the altar of a career or personal convenience and cold-bloodedly plans its destruction. But it's a difficult job and cannot be done single-handedly.

So she hires an assassin, the gynaecologist, to do the dirty work for her.... As long as the baby comes out like mincemeat and is unrecognisable as a human being, no one feels guilty. But when the baby is bigger, and has to be killed and brought out by drugs, or worse still, piecemeal, it's really macabre.

The poor thing has no inkling of its impending doom. It had been frolicking about happily for the last one hour, when it sees a shiny metallic probe-like object at the mouth of the womb. It backs away in terror. But the foreign body disappears as soon as it has entered, and the baby heaves a sigh of relief. Just then, another dilator appears followed in quick succession by others, each thicker than its predecessor, and finally the most terrifying of them, the one-eyed monster

with its permanently open greedy mouth.

It (baby) is too big to be swallowed whole. One leg is caught and pulled and finally wrenched off. The blood oozes out turning the sea of its universe a terrible red. It does not understand what is going on and sends signals of fear to its mother. But what a fool he is, craving protection from his killer. His mouth opens and closes like a fish out of water emitting a silent scream. Even the simplest form of living organism inherently desires self preservation, so why not he, the seedling of the most wonderful being on earth. But he is condemned to die by his own mother. His crime - his presumptuousness to exist, to be!! Again and again the monster strikes, each time taking away a bit of the unfortunate human being. Now, it is satiated to bursting point and can take no more. The mutilated, bloodied torso,, with the head still attached, floats about limbless, grotesque and alive!

The vacuum canula then sends its mate, the more sinister and wider-jawed ovum forceps, to feast on the remains. The moment it spies its prey, it opens its mouth wide, grabbing and holding fast on to whatever it can fasten its jaws on-in this particular case the abdominal wall that bursts open spilling its contents, the long, thin loops of intestines, looking like miniature umbilical cords.

Now the tiny ribs, now a part of the spinal column. Ah! at last, the head has come in its grasp but it is too big to be extracted whole, so it is crushed and the brain matter oozes out in the form of whitish globules, the two small eye-balls like black beads flowing along.

A final pull and the mutilated skull is brought out. Operation "Nipped in the Bud" complete, the doctor

wipes her bloodied hands on her gown, and after a while money changes hands. No murder in history could be as gruesome as the one committed on those defenceless,, innocent victims.... (*The Silent Cry* by Dr. Amrinder Bajaj, 'Women's Era' July 1986).

SURROGACY and the SHARIAH

Surrogacy is the act of substituting for another, e.g. a substitute parent, hence surrogate mother. Surrogacy is much in the news nowadays.

Medical science has added a new dimension to surrogate motherhood. In this context a surrogate mother is a woman into whose womb is implanted the embryo formed by the fusion of the sperm of another man with the ovum of another woman, i.e. a woman other than the surrogate mother. This development has created bewilderment to law-makers who have to take into account legal, moral, religious and ethical aspects involved in this type of unbridled surrogacy. In this belated century law - men and law commissions have to meet to hammer out "acceptable" rules for this unnatural way of reproduction. On the other hand, the Shariah of Islam being the complete, perfect and final Law of Allah Ta'ala for all time has already provided laws of all exigencies and developments which will arise until the Day of Qiyaamah. On the basis of the principles of Islamic Law extracted from the Qur'aan and Sunnah, the Fuqahaa (Jurists) of Islam have furnished the detailed ahkaam (rules) for even 'surrogacy' which has developed just recently.

The Fuqaha have long ago -- many centuries ago -- explained the

Shar'i rules pertaining to the introduction of sperm into the female's body by unnatural means, i.e. by means other than sexual intercourse.. The different rulings of the Shariah regarding conception in unnatural ways and the legal status of the resultant children will be briefly stated hereunder.

* The introduction into a woman of the sperm of any man other than her husband is haraam and immoral
* The introduction into a woman of her husband's sperm by unnatural means will be permissible for a valid reason, e.g. she is unable to conceive naturally.

* The formation of the embryo outside the human body will be permissible for a valid reason and subject to certain strict conditions. In permissible cases, it will be haraam to form the embryo by the fusion of a woman's ovum with the sperm of a man other than her husband. It is not lawful to implant in a woman an embryo developed in a haraam way.

* From the above it will be quite obvious that it will be haraam to introduce sperm or embryo into an unmarried woman.

If in violation of Allah's Law either the sperm of a man other than the husband had been introduced or sperm has been introduced into an unmarried woman or a haraam formed embryo has been introduced into a woman, the rulings will be as follows:

(1) If the woman is married, the resultant child will legally be that of her husband even if it is confirmed that the sperm used was not that of her husband.

(2) The same ruling will apply if the child results from a haraam embryo. Even if the embryo was formed by the fusion of the woman's ovum with the sperm of another man, the child will legally be

that of her husband.

(3) The 'donor' of the sperm has no right whatever over the child even if a prior agreement or contract was entered into to give him the right over the child.

(4) The surrogate mother will naturally, truly and legally be the mother of the child.

(5) Where the woman is unmarried, the child will be an illegitimate one. Its parenthood will be related to only the mother.

with its permanently open greedy mouth.

It (baby) is too big to be swallowed whole. One leg is caught and pulled and finally wrenched off. The blood oozes out turning the sea of its universe a terrible red. It does not understand what is going on and sends signals of fear to its mother. But what a fool he is, craving protection from his killer. His mouth opens and closes like a fish out of water emitting a silent scream. Even the simplest form of living organism inherently desires self preservation, so why not he, the seedling of the most wonderful being on earth. But he is condemned to die by his own mother. His crime - his presumptuousness to exist, to be!! Again and again the monster strikes, each time taking away a bit of the unfortunate human being. Now, it is satiated to bursting point and can take no more. The mutilated, bloodied torso,, with the head still attached, floats about limbless, grotesque and alive!

The vacuum canula then sends its mate, the more sinister and wider-jawed ovum forceps, to feast on the remains. The moment it espies its prey, it opens its mouth wide, grabbing and holding fast on to whatever it can fasten its jaws on-in this particular case the abdominal wall that bursts open spilling its contents, the long, thin loops of intestines, looking like miniature umbilical cords.

Now the tiny ribs, now a part of the spinal column. Ah! at last, the head has come in its grasp but it is too big to be extracted whole, so it is crushed and the brain matter oozes out in the form of whitish globules, the two small eye-balls like black beads flowing along.

A final pull and the mutilated skull is brought out. Operation "Nipped in the Bud" complete, the doctor

wipes her bloodied hands on her gown, and after a while money changes hands. No murder in history could be as gruesome as the one committed on those defenceless,, innocent victims.... (*The Silent Cry* by Dr. Amrinder Bajaj, 'Women's Era' July 1986).

SURROGACY and the SHARIAH

Surrogacy is the act of substituting for another, e.g. a substitute parent, hence surrogate mother. Surrogacy is much in the news nowadays.

Medical science has added a new dimension to surrogate motherhood. In this context a surrogate mother is a woman into whose womb is implanted the embryo formed by the fusion of the sperm of another man with the ovum of another woman, i.e. a woman other than the surrogate mother. This development has created bewilderment to law-makers who have to take into account legal, moral, religious and ethical aspects involved in this type of unbridled surrogacy. In this belated century law - men and law commissions have to meet to hammer out "acceptable" rules for this unnatural way of reproduction. On the other hand, the Shariah of Islam being the complete, perfect and final Law of Allah Ta'ala for all time has already provided laws of all exigencies and developments which will arise until the Day of Qiyaamah. On the basis of the principles of Islamic Law extracted from the Qur'aan and Sunnah, the Fuqahaa (Jurists) of Islam have furnished the detailed ahkaam (rules) for even 'surrogacy' which has developed just recently.

The Fuqaha have long ago -- many centuries ago -- explained the

Shar'i rules pertaining to the introduction of sperm into the female's body by unnatural means, i.e. by means other than sexual intercourse.. The different rulings of the Shariah regarding conception in unnatural ways and the legal status of the resultant children will be briefly stated hereunder.

* The introduction into a woman of the sperm of any man other than her husband is haraam and immoral
* The introduction into a woman of her husband's sperm by unnatural means will be permissible for a valid reason, e.g. she is unable to conceive naturally.

* The formation of the embryo outside the human body will be permissible for a valid reason and subject to certain strict conditions. In permissible cases, it will be haraam to form the embryo by the fusion of a woman's ovum with the sperm of a man other than her husband. It is not lawful to implant in a woman an embryo developed in a haraam way.

* From the above it will be quite obvious that it will be haraam to introduce sperm or embryo into an unmarried woman.

If in violation of Allah's Law either the sperm of a man other than the husband had been introduced or sperm has been introduced into an unmarried woman or a haraam formed embryo has been introduced into a woman, the rulings will be as follows:

(1) If the woman is married, the resultant child will legally be that of her husband even if it is confirmed that the sperm used was not that of her husband.

(2) The same ruling will apply if the child results from a haraam embryo. Even if the embryo was formed by the fusion of the woman's ovum with the sperm of another man, the child will legally be

that of her husband.

(3) The 'donor' of the sperm has no right whatever over the child even if a prior agreement or contract was entered into to give him the right over the child.

(4) The surrogate mother will naturally, truly and legally be the mother of the child.

(5) Where the woman is unmarried, the child will be an illegitimate one. Its parenthood will be related to only the mother.

MURDER!

'Donor' was still alive

WINSTON-SALEM, North Carolina - Doctors about to remove the organs of a man they thought had been killed in a traffic accident knew something was wrong when his foot twitched.

Mr Curt Coleman Clark wasn't really dead.

Mr Clark, 22, was pronounced brain dead after he suffered severe head injuries in a car crash near Granite Falls in central North Carolina.

After his family agreed to donate his organs, he was placed on a respirator and taken by ambulance from Frye Regional Medical Centre in Hickory to Baptist Hospital in Winston/Salem, about 240km away.

Doctors there noticed that Mr. Clark's foot move, said Dr Jesse Meredith, a transplant surgeon at the hospital.

Hospital spokesman Roger Rollman said Mr Clark was then taken to the intensive-care unit.

He is in a critical condition.

Highway Patrol officials said Mr Clark was hurt when he lost control of his car on a curve and it flipped several times.

Radiologists who examined him after he arrived at Frye concluded he was brain dead, said hospital executive director Dennis Phillips - Sapa-AP

(Evening Post)

The "Brain Death" concept has been formulated by the medical profession of the west to grab the organs of people who are still alive. When true death occurs, the organs are rendered useless. Some method had therefore to be devised to ensure that the organs are useable while permitting actual murder.

